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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रकाश संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय की छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कामिक, लोक-शिकायत तथा पेंशन मंत्रालय
(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 27 सितम्बर, 1999

का. आ. 2835. —केन्द्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 की अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और कर्नाटक सरकार की दिनांक 17-07-99 की अधिसूचना संख्या एच. डी. 27 पी.सी.आर. 99 द्वारा प्राप्त सहमति से पुलिस चौकी, कृष्णन पार्क, बंगलौर, कर्नाटक में दिनांक 4-5-95 को पंजीकृत मामला सं. 239/95 के संबंध में भारतीय दंड संहिता, 1860 (1860 का अधिनियम संख्या 45) की धारा 120ख के साथ पठित धाराओं 379, 411, 420, 465, 467, 468, 471, के तहत दंडनीय अपराधों और उपर्युक्त अपराधों के संबंध में अथवा उनसे

संरक्ष प्रयत्न, वृष्णेरण और पड़यत्न तथा वैसे ही संरक्ष-हार के अनुक्रम में किए गए, उन्हीं तथ्यों से उद्भूत अन्य अपराध अथवा अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण कर्नाटक राज्य के संबंध में करती है।

[सं. 228/58/98-ए. वी. डी.-II]
हरि सिंह, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 27th September, 1999

S.O. 2835.—In exercise of the powers conferred by sub-section (1) of Section 4 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government

with the consent of the Government of Karnataka vide Notification No. HD 27 PCR 99 dated 17-7-99, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable u/s 379, 411, 420, 465, 467, 468, 471 r/w 120B of Indian Penal Code, 1860 (Act No. 45 of 1860) and attempts, abetments and conspiracy in relation to or in connection with the said offences and any other offence or offences committed in the course of the same transaction, arising out of the same facts in regard to the Case No. 239/95 date 4-5-95 registered at Police Station Cubbon Park, Bangalore, Karnataka.

[No. 228/58/98-AVD. II]

HARI SINGH, Under Secy

नई दिल्ली, 27 सितम्बर, 1999

का. आ. 2836.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार के गृह (पुलिस) अनुभाग—11 के आदेश सं. 2540 टी/6-11-99-569 एम/99 दिनांक 19 जुलाई, 1999 द्वारा प्राप्त उत्तर प्रदेश राज्य सरकार की सहमति से 23-4-1999 को के.आ.ब्यूरो, लखनऊ शाखा में दर्ज मामला आरसी—12 (एस)/99/सी.बीआई लखनऊ में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 419 और 420 के अधीन वंडनीय अपराधों तथा उसी संयवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों उद्भूत उक्त अपराध/अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्र का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/54/99-ए. बी. डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 27th September, 1999

S.O. 2836.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh vide Home (Police) Section-11 Order No. 2540T/6-11-99-569M/99 dated 19th July, 1999, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment in the whole of the State of Uttar Pradesh for investigation of the offences punishable under Section 419 and 420 Indian Penal Code, 1860 (Act No. 45 of 1860) relating to RC. 12(S)/99/CBI/Lucknow registered at CBI Office, Lucknow Branch

on 23-4-1999 and attempts, abetments and conspiracy in relation to or in connection with the said offence(c) committed in the course of the same transaction or arising out of the same facts.

[No. 228/54/99-AVD. III]

HARI SINGH, Under Secy.

नई दिल्ली, 27 सितम्बर, 1999

का. आ. 2837.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार के दिनांक 22-6-99 के गृह (पुलिस) अनुभाग-11 अधिसूचना सं. 2504 टी/6/11-549 एम/99 द्वारा प्राप्त उत्तर प्रदेश राज्य सरकार की सहमति से पुलिस थाना कोर्नेल गंज, कानपुर नगर, कानपुर, उत्तर प्रदेश में दर्ज किए गए अपराध सं. 96/99 के संबंध में धारा 120बी, 121ए, 468, 471 भारतीय दंड संहिता 1860 (1860 का अधिनियम सं. 45) धारा 3/9 आधिकारिक सिक्रेट एक्ट धारा 12 पासपोर्ट एक्ट के अधीन वंडनीय अपराधों तथा उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षडयंत्रों तथा उसी संयवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्य अथवा तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/61/99-ए. बी. डी. II]

हरि सिंह, अवर सचिव

New Delhi, the 27th September, 1999

S.O. 2837.—In exercise of the powers conferred by sub-section (i) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Govt. with the consent of the Govt. of Uttar Pradesh vide Govt. of Uttar Pradesh, Home (Police) Section-11 Notification No. 2504T/6-11-99545 M/99 dated 22-6-1999, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for the investigation of the offences punishable under section 12 of the Passport Act; 120-B, 121-A, 468, 471 IPC, 3/9 Official Secrets Act and abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction, or arising out of the same fact or facts in regard to the case Cr. No. 96/99 registered in Police Station Cornel Ganj, Kanpur Nagar, Uttar Pradesh

[No. 228/61/99-AVD. II]

HARI SINGH, Under Secy.

नई दिल्ली, 28 सितम्बर, 1999

का.भा. 2838.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये निम्नलिखित अपराधों को दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित किये जाने वाले अपराधों के रूप में निर्दिष्ट करती है, नामतः:—

(क) जम्मू और कश्मीर राज्य रणबीर वंश संहिता संवत्, 1989 (1932 ईसवी सन्) (1989 का अधिनियम सं. 12) की धारा 147 और 511 के अधीन वंशनीय अपराध; और

(ख) उपर्युक्त अपराधों में से एक अथवा अधिक अपराधों से संबंधित अथवा संसक्त अपराध, बुद्धिपूर्वक और षड्यंत्र तथा उसी संघटन के अनुक्रम में किया गया अथवा किये गये अथवा उन्हीं तथ्यों से उद्भूत कोई अन्य अपराध।

[सं. 228/57/99-ए.बी.डी.-II(i)]

हरि सिंह, अवर सचिव

New Delhi, the 28th September, 1999

S.O. 2838.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are to be investigated by the Delhi Special Police Establishment :

(a) Offences punishable under Sections 147 and 511 of Jammu and Kashmir State Ranbir Penal Code Samvat, 1989 (1932 A.D.) (Act No. XII of 1989); and

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/57/99-AVD. II(i)]

HARI SINGH, Under Secy.

नई दिल्ली, 28 सितम्बर, 1999

का.भा. 2839.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए जम्मू और कश्मीर राज्य सरकार के गृह विभाग, की अधिसूचना सं. होम-230/99-आईएसए दिनांक 21-07-1999 द्वारा प्राप्त जम्मू और कश्मीर राज्य सरकार की सहमति से राज्य रणबीर वंश संहिता संवत्, 1989 की धारा 224, 511, 336, 147 और 332 के अधीन पुलिस स्टेशन गरोटा, जम्मू में दिनांक 15-06-1999 को

दर्ज मामला एफ आई आर नं. 135/1999 से उद्भूत अपराध (अपराधों) तथा तत्संबंधी व्यक्ति(यों) के विरुद्ध उसी संघटन के अनुक्रम में किये गये अथवा उन्हीं तथ्यों से उद्भूत उक्त अपराधों से संबंधित अथवा संसक्त किसी अन्य अपराध (अपराधों), प्रयत्नों, बुद्धिपूर्वक और षड्यंत्र का अन्वेषण करने के लिये दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण जम्मू और कश्मीर राज्य पर करती है।

[सं. 228/57/99-ए.बी.डी.-II(ii)]

हरि सिंह, अवर सचिव

New Delhi, the 28th September, 1999

S.O. 2839.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Jammu and Kashmir vide Home Department Notification No. Home 230/99-ISA dated 21-7-1999 hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the State of Jammu and Kashmir for investigation of offences) arising out of FIR No. 135 of 1999 dated 15-6-1999 registered in Police Station Garota, Jammu under Section 224, 511, 336, 147 and 332 of the State Ranbir Penal Code, Samvat 1989, and any other offence(s), attempts, abetments and conspiracy in relation to or in connection with the said offences committed during the course of transaction or arising out of the same facts against the person(s) connected therewith.

[No. 228/57/99-AVD. II(ii)]

HARI SINGH, Under Secy.

(राजस्व विभाग)

वित्त मंत्रालय

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 17 अगस्त, 1999

(आय-कर)

का.भा.सं. 2840—आयकर नियमावली, 1962 के नियम 2 ग क के साथ पठित आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा "सी बी सी आई सोसाइटी फार मेडिकल एजुकेशन, सेट जान्स नेशनल अकादमी आफ हेल्थ साइंसिज, जान नगर "बैंगलूर" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए उक्त खंड के प्रयोजनार्थ अनु-मोचित करता है।

बर्षों कि यह सोसाइटी आयकर नियमावली, 1962 के नियम 2ग क के साथ पठित आयकर अधिनियम, 1961 की धारा 10 के खंड (23-ग) के उपखंड (vi) के उपबंधों के अनुरूप होगी और उसका अनुपालन करेगी।

[अधिसूचना सं. 11029 फा. सं. [197/73/99-आयकर नि. I]

समर भद्र, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 17th August, 1999

(INCOME TAX)

S.O. 2840.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), read with rule 2CA of the Income-tax Rules, 1962, the Central Board of Direct Taxes hereby approves the "CBCI Society for Medical Education, St. John's National Academy of Health Sciences, John Nagara, Bangalore" for the purpose of the said section for the assessment years 1999-2000 to 2001-2002.

Provided that the Society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961, read with rule 2CA of the Income-tax Rules, 1962.

[Notification No. 11029/F. No. 197/73/99-ITA. I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 31 अगस्त, 1999

(आय-कर)

का.आ. 2841—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गुरुद्वारा बाबा सिख संगत, कलकत्ता को कर-निर्धारण वर्ष 1997-98 से 1999-2000 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिणी इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिणी उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख रखाव में स्वीकृत अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तककि ऐसा कारोबार उक्त कर-निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसा कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 11054/फा.सं. 197/7498-आयकर-नि. I]

समर भद्र, अवर सचिव

New Delhi, the 31st August, 1999

(INCOME TAX)

S.O. 2841.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Gurudwara Bara Sikh Sangat, Calcutta" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 11054/F. No. 197/74/98-ITA. I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 14 सितम्बर, 1999

(आय-कर)

का.आ. 2842—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 खण्ड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "मणीनगर श्री स्वामीनारायण गद्दी संस्थान श्री जी संकल्प मूर्ति अथवा आचार्य प्रवर धर्मधरधर 1008 श्री मूर्तिजीवन स्वामी बापा स्वर्ण जयन्ती महोत्सव स्मारक ट्रस्ट, अहमदाबाद" को कर निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन

रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्तया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ या अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 11079/फा. सं. 197/20/99-

आ. क. नि. I]

समर भद्र, अवर सचिव

New Delhi, the 14th September, 1999

(INCOME TAX)

S.O. 2842.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Managar Shree Swaminarayan Gadi Sansthan Shreeji Sarkalp Murti Adya Acharya Pravara Dharmadharandhar 1008 Shree Muktajeevan Swami Bapa Suvarna Jayanti Mahotsava Smarak Trust, Ahmedabad” for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 11079 /F.No. 197/20/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 सितम्बर, 1999

(आयकर)

का. प्र. 2843:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “मानव सेवा संघ वृन्दावन यू.पी.” को कर निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अध्याधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्तया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के II दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ या अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 11080/फा. सं. 197/38/99-आ.क.नि. I]

समर भद्र, अवर सचिव

New Delhi, the 16th September, 1999

(INCOME TAX)

S.O. 2843.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Manav Seva Sangh, Vrindavan, U.P.” for the purpose of the said sub-clause for the assessment years 1994-95

to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 11080/F.No. 197/38/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 22 सितम्बर, 1999

(आयकर)

का.आ. 2844.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ब) के उपखंड (v) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “द टेम्पल चैरिटेबल इंस्टीट्यूशंस एंड फंड्स ऑफ़ दी गॉड सारस्वत ब्राह्मण कम्युनिटी ऑफ़ बंबई” को कर-निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है अर्थात् :—

- (i) कर-निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संबंधित पूर्णतया तथा अनस्तया उन उद्देश्यों के लिए करेगा जिसके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारित अपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, पर्मांजर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक भंडारण से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा

अभिलाष के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 11090/फा. सं. 197/98/99-आयकर नि. 1]

समर भद्र, अवर सचिव

New Delhi, the 22nd September, 1999

(INCOME TAX)

S.O. 2844.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “The Temples, Charitable Institutions and Funds of the Gaud Saraswat Brahmin Community of Mumbai” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 11090/F. No. 197/98/99-ITA-I]

SAMAR BHADRA, Under Secy.

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय

मद्रास, 17 सितम्बर, 1999

सं. 7/99-सीमा शुल्क-(एन.टी.)

का.आ. 2845.—सीमा शुल्क अधिनियम 1962, धारा 9 को भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के अधिसूचना सं. 38/94-सीमा शुल्क (एन.टी.) दिनांक 1-7-94 के साथ पठित, द्वारा शक्तियों का प्रयोग करते हुए मैं एतद्वारा तमिलनाडु राज्य के विडुक्कल जिला, विडुक्कल तालूका के “अगरम” गांव

का. प्रा. 2847:—भारतीय स्वाम्य अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एलबंद्वारा मे. आई. सी. आई. सी. आई. लिमिटेड, मुम्बई को मात्र तीन क

दस लाख पित्तानवे हजार आठ सौ तैतालीस रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा दिनांक 19 अगस्त, 1999 को आवंटित किए गए मात्र चार सौ चोदह करोड़ इकसठ लाख बारह हजार चार सौ रुपए के समग्र मूल्य के डिबेंचरों के स्वरूप वाले आई.सी.आई.सी.आई. असुरक्षित विमोच्य बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 46/99-स्टा.फा.सं. 33/59/99-वि.क.]

अपर्णा शर्मा, अव्वर सचिव

(Department of Revenue)

ORDER

New Delhi, the 23rd September, 1999

STAMPS

S.O. 2847.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamps Act, 1899 (2 of 1899), the Central Govt. hereby permits M/s. ICICI Limited, Mumbai to pay consolidated stamp duty of rupees three crore ten lakh ninety five thousand eight hundred forty three only on account of the stamp duty on ICICI Unsecured Redeemable Bonds in the nature of Debentures aggregating to rupees four hundred fourteen crores sixty one lakh twelve thousand four hundred only allotted on 19th August, 1999 by the said Company.

[No. 46/99-STAMPS-F. No. 33/59/99-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 23 सितम्बर, 1999

स्टाम्प

का.आ. 2848:— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा म. इल्लिया पेट्रोकेमिकल्स लिमिटेड, कलकत्ता को मात्र दस लाख बयालीस हजार पांच सौ रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त कम्पनी द्वारा जारी किए गए मात्र तेरह करोड़ नब्बे लाख रुपए के समग्र मूल्य के 00001 से 01390 तक की विशिष्ट संख्या वाले एक-एक लाख रुपए प्रत्येक के डिबेंचरों के स्वरूप वाले 15.25 सुरक्षित, अपरिवर्तनीय, गैर-संचयी विमोच्य और कराधेय बंधपत्र पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 47/99-स्टाम्प फा.सं. 33/57/99-वि.क.]

अपर्णा शर्मा, अव्वर सचिव

ORDER

New Delhi, the 23rd September, 1999

STAMPS

S.O. 2848.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits

M/s. Haldia Petrochemicals Ltd., Calcutta to pay consolidated stamp duty of rupees ten lakh forty two thousand five hundred only chargeable on account of stamp duty on 15.25 percent Secured, Non-Convertible Non-Cumulative Redeemable and Taxable Bonds in the nature of Debentures of rupees one lakh each aggregating to rupees thirteen crores ninety lakh only bearing distinctive numbers from 00001 to 01390 to be issued by the said company.

[No. 47/99-STAMP-F. No. 33/57/99-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 23 सितम्बर, 1999

स्टाम्प

का.आ. 2849:— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय औद्योगिक विकास बैंक, मुम्बई को मात्र पंद्रह करोड़ रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए जाने वाले प्रोमिसरी नोटों के रूप में निम्न प्रकार वर्णित बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है:—

(क) मात्र एक हजार दो सौ बीबीस करोड़ तेरह लाख दस हजार रुपए के समग्र मूल्य के प्रत्येक 5000-5000 रुपए मूल्य के 7 आर आई बी 0000001 से 2448262 तक की विशिष्ट संख्या वाले आईडी बी आई नियमित आय बांड— (99 ख);

(ख) मात्र दो सौ ग्यारह करोड़ इक्यावन लाख सत्तर हजार रुपए के समग्र मूल्य के प्रत्येक 5000-5000 रुपए के 7 जीआईबी 2500001 से 2923034 तक की विशिष्ट संख्या वाले आईडी बीआई बड़े हुए ब्याज वाले बांड - (99ख);

(ग) मात्र चार करोड़ आसठ लाख पचासी हजार रुपए के समग्र मूल्य के प्रत्येक 5000 से 5000 रुपए के 7 आरटीबी 3000001 से 3009257 तक की विशिष्ट संख्या वाले आई डी बी आई सेवा निवृत्ति बांड;

(घ) मात्र उनसठ करोड़ बहत्तर लाख पैंतीस हजार रुपए के समग्र मूल्य के प्रत्येक 5000-5000 रुपए वाले 7 डीडीबी 3200001 से 3319447 तक की विशिष्ट संख्या वाले आई-डीडीआई दुर्घोष टूट (डीप डिस्कॉन्ट) बांड— (99 ख)।

[सं. 48/99-स्टाम्प-फा.सं. 33/58/99-वि.क.]

अपर्णा शर्मा, अव्वर सचिव

ORDER

New Delhi, the 23rd September, 1999

STAMPS

S.O. 2849.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby permits Industrial Development Bank of India, Mumbai to pay consolidated stamp duty of rupees fifteen crores only chargeable on account of stamp duty on bonds in the nature of promissory notes described as :—

- (a) IDBI Regular Income Bond—(99B) bearing distinctive numbers from 7RIB 0000001 to 2448262 of rupees five thousand each aggregating to rupees one thousand two hundred twenty four crores thirteen lakh ten thousand only;
- (b) IDBI Growing Interest Bond—(99B) bearing distinctive numbers from 7GIB 2500001 to 2923034 of rupees five thousand each aggregating to rupees two hundred eleven crores fifty one lakh seventy thousand only;
- (c) IDBI Retirement Bond—(99B) bearing distinctive numbers from 7RTB 3000001 to 3009257 of rupees five thousand each aggregating to rupees four crore sixty two lakh eighty five thousand only;
- (d) IDBI Deep Discount Bond—(99B) bearing distinctive numbers from 7DDB 3200001 to 3319447 of rupees five thousand each aggregating to rupees fifty nine crore seventy two lakh thirty five thousand only.

to be issued by the said Bank.

[No. 48/99-STAMPS—F. No. 33/58/99-ST]

APARNA SHARMA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 20 सितम्बर, 1999

का.आ. 2850:— बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2002 तक नीलगिरि डिस्ट्रिक्ट सेन्ट्रल को-ऑपरेटिव बैंक लि., उधगमण्डलम (तमिलनाडु) पर लागू नहीं होंगे।

[फा. सं. 1(28)/99-ए.सी.]

एल.सी. तूरा, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 20th September, 1999

S.O.2850.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not

2825 GI/99—2

apply to The Nilgiris District Central Co-operative Bank Ltd., Udhagamandalam (Tamil Nadu) from the date of publication of this notification in the Official Gazette upto 31st March, 2002.

[F. No. 1(28)/99-AC]

L. C. TOORA, Under Secy.

नई दिल्ली, 23 सितम्बर, 1999

का.आ. 2851:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च 2003 तक जलपाइगुड़ी सेन्ट्रल को-ऑपरेटिव बैंक लि., जलपाइगुड़ी (पश्चिम बंगाल) पर लागू नहीं होंगे।

[स. 1(29)/99-ए.सी.]

एल.सी. तूरा, अवर सचिव

New Delhi, the 23rd September, 1999

S.O. 2851.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Jalpaiguri Central Co-operative Bank Ltd., Jalpaiguri, (West Bengal) from the date of publication of this notification in the Official Gazette upto 31st March 2003.

[F. No. 1(29)/99-AC]

L. C. TOORA, Under Secy.

नई दिल्ली, 23 सितम्बर, 1999

का.आ. 2852:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च 2003 तक जिला सहकारी बैंक लि., सिद्धार्थ नगर (उ. प्र.) पर लागू नहीं होंगे।

[फा. सं. 1(30)/99-ए.सी.]

एल.सी. तूरा, अवर सचिव

New Delhi, the 23rd September, 1999

S.O. 2852.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of the Reserve Bank of India declares that the provisions

provisions of sub-section 1 of Section 11 of the said Act shall not apply to The District Co-operative Bank Ltd., Siddharthnagar, (Uttar Pradesh) from the date of publication of this notification in the Official Gazette upto 31st March 2003.

[F. No. 1(30)/99-AC]
L. C. TOORA, Under Secy.

नई दिल्ली, 23 सितम्बर, 1999

का.आ.2853.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिकारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी गजट में इस अधिवृत्तना के प्रकाशन की तारीख से 31 मार्च, 2002 तक नैशनल सेंट्रल को-ऑपरेटिव बैंक लि., बेतिया (बिहार) पर लागू नहीं होंगे।

[फा. सं. 1(31)/99-ए. सी.]

एल. सी. तूरा, अवर सचिव

New Delhi, the 23rd September, 1999

S.O. 2853.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to The National Central Co-operative Bank Ltd., Bettiah, (Bihar) from the date of publication of this notification in the Official Gazette upto 31st March 2002.

[F. No. 1(31)/99-AC]
L. C. TOORA, Under Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 27 सितम्बर, 1999.

का.आ. 2854.—मै. जैनिथ स्पिनर्स (प्रो. जैनिथ एक्सपोर्ट्स लिमिटेड), सेवा सदन, बंसिदर मोसाहटी पालडी, अहमदाबाद (गुजरात) को पूंजीगत माल के आयात के लिए 8,74,48,160/- रु. (आठ करोड़ चौहत्तर लाख अड़तालीस हजार एक सौ साठ रुपए केवल) आयात लाइसेंस सं. पी/सी.जी. /2133374 दिनांक 12-8-94 जारी किया गया था।

2. फर्म ने उपर्युक्त लाइसेंस की डुप्लीकेट आयात लाइसेंस प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि आयात लाइसेंस खो गया है अथवा अस्थानस्थ हो गया है। आगे यह भी कहा गया है कि उक्त लाइसेंस को मुम्बई सीमाशुल्क सदन के पास पंजीकृत कराया गया था तथा लाइसेंस के सत्य का पूर्णतया उपयोग कर लिया गया है।

3. अपने कथन के समर्थन में, लाइसेंसधारक ने नोटरी पब्लिक, अहमदाबाद के रामधन विधिवत शपथ लेकर स्टाम्प पेपर पर एक हलफनामा प्रस्तुत किया है। मैतवन्सार संतुष्ट हूँ कि मूल आयात लाइसेंस सं. पी/सी.जी. - 2133374 दिनांक 12-8-94 फर्म द्वारा खो गया है अथवा अस्थानस्थ हो गया है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा

9 (ग ग) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए मै. जैनिथ स्पिनर्स (प्रो. जैनिथ एक्सपोर्ट्स लिमिटेड) को आयात मूल आयात लाइसेंस को, एतद्वारा रद्द किया जाता है।

उक्त लाइसेंस की डुप्लीकेट आयात लाइसेंस प्रति पार्टी को अलग से जारी की जा रही है।

[फाइल सं. 18382/ए एम 95/ई.पी.सी.जी. 2/690]

के. चन्द्रामथी उप महानिदेशक, विदेश व्यापार
उक्त महानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

New Delhi, the 27th September, 1999

S.O. 2854.—M/s. Zenith Spinners (Prop. Zenith Exports Ltd.), Seva Sadan, Bansider Society, Paldi, Ahmedabad (Gujarat) were granted an Import Licence No. P/CG/2133374 dated 12-8-94 for Rs. 8,74,48,160/- (Rupees Eight Crores Seventy Four Lakhs Forty Eight Thousand One Hundred and Sixty only) for import of capital goods.

2. The firm has applied for issue of duplicate import licence of the above mentioned licence on the ground that the import licence has been lost or misplaced. It has further been stated that the licence was registered with Mumbai Custom House, and the value of the licence has been fully utilised.

3. In support of their contention, the licence has filed an Affidavit on Stamped Paper duly sworn in before a Notary Public, Ahmedabad. I am accordingly satisfied that the original import licence No. P/CG/2133374 dated 12-8-94 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955, as amended the said original import licence issued to M/s. Zenith Spinners (Prop. Zenith Exports Ltd.), is hereby cancelled.

A duplicate import licence of the said licence is being issued to the party separately.

[F. No. 18/382/AM '95/ERCG-II/690]
K. CHANDRAMATHI, Dy. Director General
of Foreign Trade

योजना और कार्यक्रम कार्यन्वयन मंत्रालय
(सांख्यिकी और कार्यक्रम कार्यन्वयन विभाग)

नई दिल्ली, 24 सितम्बर, 1999

का.आ. 2855.—भारतीय सांख्यिकीय संस्थान अधिनियम (सं. 57) 1959 की धारा 8, उपधारा (1) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा 2000-2001 के लिए निम्नलिखित व्यक्तियों की एक समिति गठन करती है :—

1. प्रो. जी. एम. भल्ला,
प्रोफेसर, अवकाश प्राप्त,

अध्यक्ष

- जवाहर लाल नेहरू विश्वविद्यालय,
नई दिल्ली-110067
- 2 डा. एम. जी. के. पिल्लई, सदस्य
चार्टर्ड इंजीनियर एवं प्रबंध परामर्शदाता,
16-IV एवेन्यू इन्दिरा नगर,
चेन्नई-600020
3. प्रो. एम. के. चटर्जी सदस्य
प्रोफेसर सांख्यिकी,
कलकत्ता विश्वविद्यालय,
न्यू साइंस बिल्डिंग,
कलकत्ता-19
4. प्रो. के. एल. कुम्मा, सदस्य
प्रोफेसर,
दिल्ली स्कूल ऑफ इकनामिक्स,
दिल्ली विश्वविद्यालय, दिल्ली
5. प्रो. एस. बी. राव, निदेशक, सदस्य
भारतीय सांख्यिकीय संस्थान कलकत्ता
(भारतीय सांख्यिकीय संस्थान के मनोनीत)
6. सचिव, सांख्यिकी और कार्यक्रम कार्यान्वयन सदस्य
विभाग के मनोनीत, अपर महानिदेशक
के स्तर से नीचे का नहीं
7. द्वितीय सलाहकार एवं संयुक्त सचिव, सदस्य
सांख्यिकी और कार्यक्रम कार्यान्वयन
विभाग, नई दिल्ली
- 8 उप द्वितीय सलाहकार तथा निदेशक, सदस्य-सचिव
सांख्यिकी और कार्यक्रम कार्यान्वयन
विभाग, नई दिल्ली
- और उक्त समिति को निम्नलिखित कार्य निर्धारित करती है :—

* कार्य के सम्मत कार्यक्रम (योजनागत तथा गैर-योजना दोनों) की समीक्षा करना तथा संशोधित अनुमान 1999-2000 में प्रदान की जाने वाली राशि के संबंध में सिफारिशें करना तथा भारतीय सांख्यिकीय संस्थान को सहायता अनुदान अदा करने के लिए 2000-2001 के लिए वित्तीय अनुमानों के संबंध में भी सिफारिशें करना।

*(क) वर्ष 1999-2000 के दौरान भारतीय सांख्यिकीय संस्थान, कलकत्ता द्वारा किए जाने वाले कार्य का कार्यक्रम (योजनागत तथा गैर-योजना दोनों) दर्शाने वाले विवरण तथा इस प्रकार के कार्य के लिए सामान्य वित्तीय अनुमान तैयार करना और उसे केन्द्र सरकार के समक्ष प्रस्तुत करना, जिसके लिए केन्द्रीय सरकार निधि की व्यवस्था करती है।

(ख) कार्यक्रम से संबंधित विस्तृत रूपरेखा निश्चित करना।

- 2 समिति अपने रिपोर्ट परन्तु 31 मार्च, 2000 को ग. इसी पक्ष प्रस्तुत करेगी।

3. खयकी सांविभाग, सामानि को, जिसका मुख्यालय नई दिल्ली में होगा, सचिवालय सहायता प्रदान करेगा।

[नं. एन-12011/7/96-आई एस एस]
के.एस. प्रसादराव, निदेशक

MINISTRY OF PLANNING & P. I.

(Department of Statistics & P.I.)

New Delhi, the 24th September, 1999

S.O. 2855.—In exercise of the powers conferred by Sub-Section (1) of Section 8 of the Indian Statistical Institute Act (No. 57) of 1959, the Central Government hereby constitutes a Committee for 2000-2001 consisting of :—

CHAIRMAN

1. Prof. G. S. Bhalla,
Professor Emeritus,
Jawaharlal Nehru University,
New Delhi-67.

MEMBERS

2. Dr. S.G.K. Pillai,
Chartered Engineer &
Management Consultant,
16-IV Avenue, Indira Nagar,
Chennai-600020.
3. Prof. S. K. Chatterjee,
Prof. Of Statistics,
Calcutta University,
New Science Building,
Calcutta-19.
4. Prof. K. L. Krishna,
Professor,
Delhi School of Economics,
University of Delhi, Delhi.
5. Prof. S. B. Rao,
Director,
Indian Statistical Institute,
Calcutta (Nominee of the ISI).
6. A nominee of Secretary,
Department of Statistics & P.I.
not below the rank of Addl. D.O.
7. Financial Adviser and
Joint Secretary,
Department of Statistics & P.I.,
New Delhi.

MEMBER-SECRETARY

8. Deputy Financial Adviser &
Director,
Department of Statistics & P.I.,
New Delhi.

And assigns the following duties to the said Committee, namely :—

- * Review of the agreed programme of work (both Plan and Non-Plan) and make recommendations regarding the amount to be provided in the R.E. 1999-2000 and also make recommendations regarding the financial estimates for 2000-2001 for paying grant-in-aid to the ISI.
- * (a) Preparation and submissions to the Central Government of statement showing programmes of work (both Plan and Non-Plan) agreed to be undertaken by the Indian Statistical Institute, Calcutta, during the year 2000-2001 for which the Central Government may provide funds, as well as general financial estimates of such work.
- (b) The settlement on broad lines of the programme of work.

2. The Committee shall submit its Report to the Government on or before 31st March 2000.

3. The Department of Statistics shall render secretariat assistance to the Committee the headquarters of which will be at New Delhi.

[No. M. 12011/7/96-SSI]
K. S. PRASADARAO, Director

शहरी विकास मंत्रालय

(शहरी विकास विभाग)

(दिल्ली प्रभाग)

नई दिल्ली, 21 सितम्बर, 1999

का.आ. 2856:—यतः निम्नांकित क्षेत्रों के बारे में कुछ संशोधन, जिन्हें केन्द्रीय सरकार अधोवर्णित क्षेत्रों के बारे में दिल्ली वृहद् योजना में प्रस्तावित करती है तथा दिल्ली विकास अधिनियम, 1956 (1957 का 61) की धारा 44 के प्रावधानों के अनुसार दिनांक 23-6-97 के नोटिस संख्या एन 20(11)94-एन पी द्वारा प्रकाशित किये गये थे जिसमें उक्त अधिनियम की धारा 11 ए की उप-धारा (3) में अपेक्षित आपत्तियों/सुझाव, उक्त नोटिस की तारीख के 30 दिन की अवधि में आमंत्रित किये गये थे ।

2. यतः प्रस्तावित संशोधन के बारे में 3 आपत्तियाँ और सुझाव प्राप्त हुए हैं ।
3. और यतः नेशनल एनवायरन्मेन्टल इंजीनियरिंग रिसर्च इन्स्टीट्यूट (नीरी) नागपुर द्वारा प्रारम्भिक पर्यावरणीय जांच अध्ययन (चरण-1) रिपोर्ट सौंप दी गई है और उसके आधार पर केन्द्र सरकार ने वृहद् योजना में संशोधन करने का निर्णय किया है ।
4. अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 11 ए की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र में इस अधिसूचना के प्रकाशन के तारीख से दिल्ली की उक्त वृहद् योजना में एनडू द्वारा निम्नलिखित संशोधन करती है:—

संशोधन:

उत्तर में हरित पट्टी/खिखे लाइन, पूर्व में हरित पट्टी/मार्जिनल बेल्ट, दक्षिण में हरित पट्टी/राजमार्ग (एन एच)—24 और पाकेट—III, फेज—I, जोन “ओ” (यमुना नदी) से आने वाले पश्चिम में प्रस्तावित पार्किंग/कैम्पिंग स्थल वाली 42.5 हे. (105.0 एकड़) भू उपयोग वाले क्षेत्र को कृषि और जलाशय (ए-4) से सार्वजनिक एवं अर्ध-सार्वजनिक सुविधाओं में बदल दिया गया है ।

[सं.के-20013/21/93-डीडीआई]

जय. एन. गुप्ता, जवर सचिव

MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT

(Department of Urban Development)

(Delhi Division)

New Delhi, the 21st September, 1999

S.O. 2856.—Whereas certain modifications which the Central Government proposes to make in the Master Plan for Delhi regarding the areas

mentioned hereunder were published with notice No. F. 20(11)94-MP dated 23-6-97 in accordance with the provisions of Section 44 of the Delhi Development Act, 1956 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11A of the said Act, within thirty days from the date of the said notice;

2. Whereas 3 objections/suggestions were received with regard to the said modification:

3. And whereas the Initial Environmental Examination Study (Phase I) Report has been submitted by National Environmental Engineering Research Institute (NEERI), Nagpur and based on which the Central Government have decided to modify the Master Plan;

4. Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India :

MODIFICATION

Land use of an area measuring 42.5 ha. (105.0 acres) bounded by green buffer/Railway line in the North, green buffer/marginal bund in the East, green buffer/NH-24 in the South and proposed parking/camping site in the West falling in Zone ‘O’ (River Yamuna)—Phase I, Pocket III is changed from ‘agricultural and water body’ (A4) to ‘public and semi-public facilities’.

[No. K-20013/21/93-DDIB]

R. S. GUSAIN, Under Secy.

DEPARTMENT OF CULTURE

CORRIGENDUM

New Delhi, the 29th September, 1999

S.O. 2857.—In the Notification of the Government of India, in the Department of Culture No. G.S.R. number 43 dated the 9th January, 1997, published at pages 725 to 740 of the Gazette of India, Part-II, Section-3, Sub-section (i) dated the 18th January, 1997—At Para No. 734, in rule 2,—

(i) After clause (e), for “(g) file means a collection of papers relating down grade the security classifications after evaluations” read “(f) down grading of classified records means to down grade the security classifications after their evaluation;”

(ii) In clause (g), for “collection of” read “collection of.”

[File No. 16-8/99-R.M.]

S. SATHYAMOORTHY, Jt. Secy.

खाद्य और उपभोक्ता मामले मंत्रालय

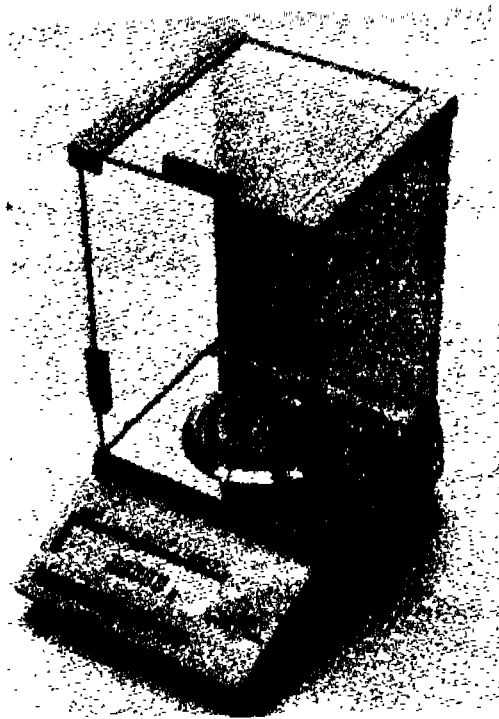
(उपभोक्ता मामले विभाग)

नई दिल्ली, 29 सितम्बर, 1999

का. आ. 2858.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग I यथार्थता (विशेष यथार्थता) की, अंकक सूचक सहित, "एबी" श्रृंखला की, अस्थचालित, मेजतल प्रकार की तोलन मशीन के मॉडल का जिसके ब्रांड का नाम "मिस्तर तोलदो" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका विनिर्माण मैसर्स आस्को इण्डस्ट्रीज लिमिटेड, लेब हाऊस, प्लाट सं. एफ-13 एम आई डी सी सीपज के सामने अंधेरी (ईस्ट) मुंबई-400 093 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/99/25 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल अस्थचालित, अंकक सूचक सहित विशेष यथार्थता (यथार्थता वर्ग I) का तोलन उपकरण है। जिसकी अधिकतम क्षमता 210 ग्राम और न्यूनतम क्षमता 100 मिली ग्राम है। सत्यापन मापमान अन्तराल (ई) 1 मिली ग्राम है। प्रदर्श इकाई द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रकार का है। उपकरण 220 वोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी मेक, और यथार्थता वाला ऐसा तोलन उपकरण भी होगा, जिसका विनिर्माण उसी विनिर्माता द्वारा उसी डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 50,000 (एन \geq 50,000) से अधिक या उसके बराबर है तथा जिसका "ई" मान 1×10^k , 2×10^k , और 5×10^k है, k घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21/80/97]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

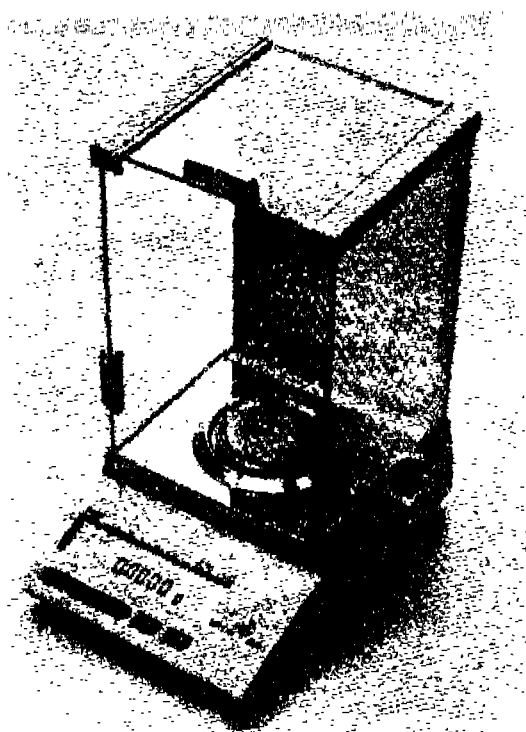
MINISTRY OF FOOD AND CONSUMER AFFAIRS**(Department of Consumer Affairs)**

New Delhi, the 29th September, 1999

S.O. 2858.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication (hereinafter referred to as the model) 'AB' series belonging to special accuracy class (accuracy class I) and with brand name 'METTLER-TOLEDO', manufactured by M/s Ascho Industries Limited, Lab House, Plot No. F-13, Opposite Seepz, Maharashtra Industrial Development Corporation, Andheri (East), Mumbai-400 093 and which is assigned the approval mark IND/09/99/25;

The model is a non-automatic weighing instrument with digital indication of maximum capacity 210 g and minimum capacity of 100 mg and belonging to special accuracy class (accuracy class I). The value of verification scale interval (e) is 1 mg. The display unit is of Liquid Crystal Display (LCD) Type. The instrument operates on 220 V, 50 Hertz alternate current power supply



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same make, and accuracy class with maximum number of scale interval (n) equal to or more than 50,000 ($n \geq 50,000$) and with "e" value of 1×10^k , 2×10^k and 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(80)/97]

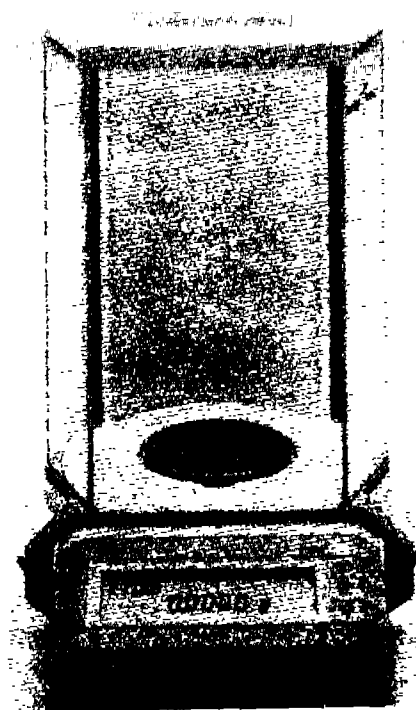
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 सितम्बर, 1999

का. आ. 2859.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग I यथार्थता (विशेष यथार्थता) की, अंकक सूचक सहित, "ए जी" श्रृंखला की, अस्वचालित, मेजतल प्रकार की तोलन मशीन के मॉडल का जिसके ब्रांड का नाम "मिचलर तोलदो" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसका विनिर्माण मैसर्स आस्को इण्डस्ट्रीज लिमिटेड, लेब हाऊस, प्लाट सं. एफ-13 एम आई डी सी सीपज के सामने अंधेरी (ईस्ट) मुंबई-400 093 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी /09/99/26 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल अस्वचालित, अंकक सूचक सहित विशेष यथार्थता (यथार्थता वर्ग I) का तोलन उपकरण है। जिसकी अधिकतम क्षमता 210 ग्राम और न्यूनतम क्षमता 100 मिली ग्राम है। सत्यापन मापमान अन्तराल (ई) 1 मिली ग्राम है। प्रदर्श इकाई द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रकार का है। उपकरण 220 वोल्ट और 50 हर्टज आपूर्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उमी मेक, और यथार्थता वाला ऐसा तोलन उपकरण भी होगा, जिसका विनिर्माण उसी विनिर्माता द्वारा उमी डिजाइन और उमी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 50,000 (एन $\geq 50,000$) से अधिक या उसके बराबर है तथा जिसका "ई" मान 1×10^k , 2×10^k , और 5×10^k है, k घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21/80/97]

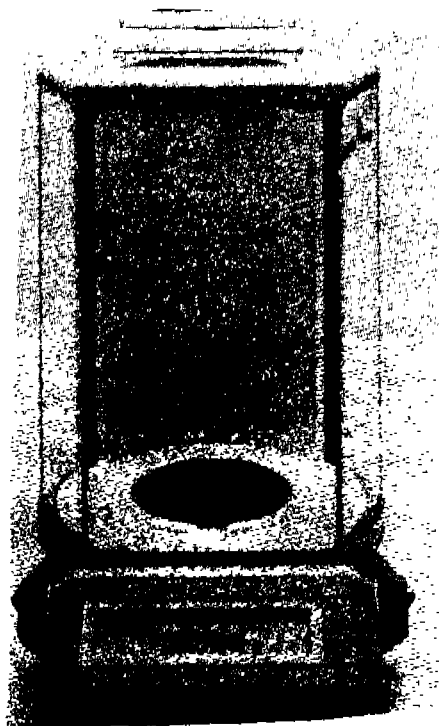
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 1999

S.O. 2859.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication (hereinafter referred to as the model) 'AG' series belonging to special accuracy class (accuracy class I) and with brand name 'METTLER-TOLEDO', manufactured by M/s. Ascho Industries Limited, Lab House, Plot No. F-13, Opposite Seepz, Maharashtra Industrial Development Corporation, Andheri (East), Mumbai-400 093 and which is assigned the approval mark IND/09/99/26;

The model is a non-automatic weighing instrument with digital indication of maximum capacity 210g and minimum capacity of 100mg and belonging to special accuracy class (accuracy class I). The value of verification scale interval (e) is 1mg. The display unit is of Liquid Crystal Display (LCD) Type. The instrument operates on 220 V, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same make, and accuracy class with maximum number of scale interval (n) equal to or more than 50,000 ($n \geq 50,000$) and with "e" value of 1×10^k , 2×10^k and 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(80)/97]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 सितम्बर, 1999

का. आ. 2860.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग II यथार्थता (उच्च यथार्थता) की, अंकक सूचक सहित, "पी जी" श्रृंखला की, अस्थचालित, मेजतल प्रकार की तोलन मशीन के माडल का, जिसके ब्रांड का नाम "मिस्लर तोलदो" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स आस्को इण्डस्ट्रीज लिमिटेड, लेब हाऊस, प्लॉट सं. एफ-13 एम आई डी सी सीपज के सामने अंधेरी (ईस्ट) मुंबई-400 093 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी /09/99/27 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल अस्थचालित, अंकक सूचक सहित उच्च यथार्थता (यथार्थता वर्ग II) का तोलन उपकरण है। जिसकी अधिकतम क्षमता 510 ग्राम और न्यूनतम क्षमता 200 मिली ग्राम है। सत्यापन मापमान अन्तराल (ई) 10 मिली ग्राम है। प्रदर्श इकाई द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाण-पत्र के अंतर्गत, उसी मेक, और यथार्थता वाला ऐसा तोलन उपकरण भी होगा, जिसका विनिर्माण उसी विनिर्माता द्वारा उसी डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 100,000 ($\text{एन} \leq 100,000$) तक है तथा जिसका "ई" मान $1 \times 10^*$, $2 \times 10^*$, और $5 \times 10^*$ है, के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21/80/97]

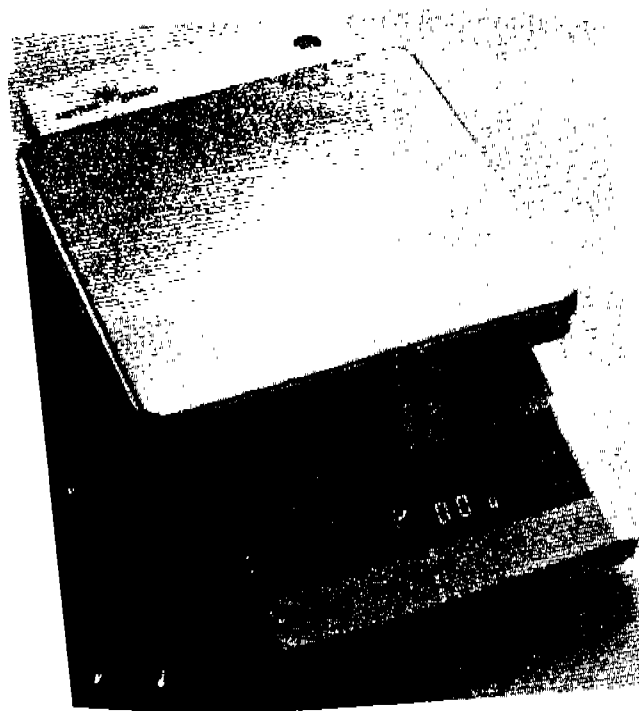
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 1999

S.O. 2860.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument (table top type) with digital indication (hereinafter referred to as the model) of 'PG' series belonging to special accuracy class (accuracy class II) and with brand name 'METTLER-TOLEDO', manufactured by M/s Ascho Industries Limited, Lab House, Plot No. F-13, Opposite Seepz, Maharashtra Industrial Development Corporation, Andheri (East), Mumbai-400 093 and which is assigned the approval mark IND/09/99/27;

The model is a non-automatic weighing instrument with digital indication of maximum capacity 510 g and minimum capacity of 200 mg and belonging to high accuracy class (accuracy class II). The value of verification scale interval (e) is 10 mg. The display unit is of Liquid Crystal Display (LCD) Type. The instrument operates on 220 V, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of same make, and accuracy class with maximum number of scale interval (n) upto 100,000 ($n \leq 100,000$) and with "e" value of 1×10^k , 2×10^k and 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(80)/97]

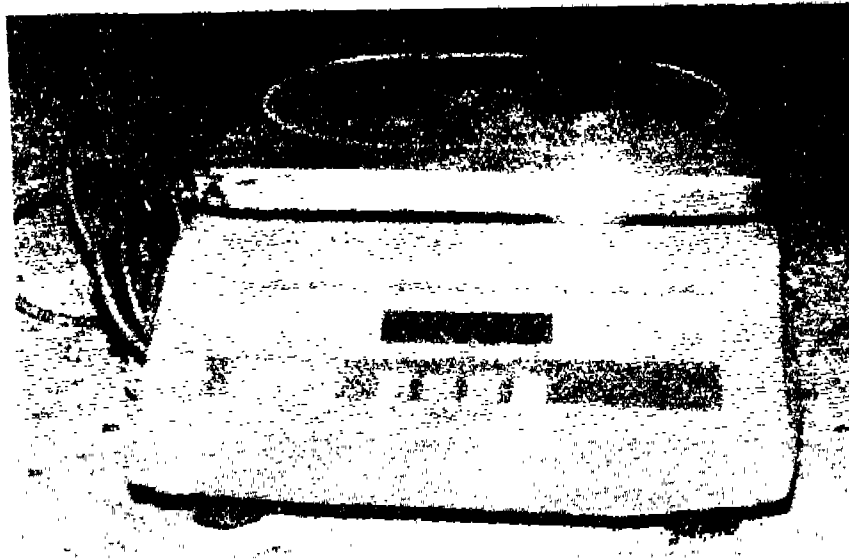
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 सितम्बर, 1999

का. आ. 2861.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग II यथार्थता (उच्च यथार्थता) वाली, "टी एस" श्रृंखला की, अस्वचालित अंकक प्रदर्श सहित मेजतल तोलन उपकरण के माडल का, जिसके ब्रांड का नाम "सन डिगी" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स शन साइन इलैक्ट्रॉनिक्स 114, मंगलमूर्ति काम्पलेक्स आश्रम रोड, अहमदाबाद-380009 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/98/213 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) उच्च यथार्थता (यथार्थता वर्ग II) का तोलन उपकरण है, जिसकी अधिकतम क्षमता 12 किलोग्राम है, न्यूनतम क्षमता 50 ग्राम है। सत्यापन मापमान अन्तराल (ई) 1 ग्राम है। उपकरण 230 वोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करता है कि माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यकरण वाला ऐसा तोलन उपकरण भी होगा, जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 1,00,000 (एन \leq 100,000) बराबर है तथा जिसका "ई" मान $1 \times 10^*$, $2 \times 10^*$, और $5 \times 10^*$, के है, वे घनात्मक या गहनात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(124)/97]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 1999

S.O. 2861.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument of table top type with digital indication of 'TS' series of High accuracy class (class II) and with brand name 'SUN DIGI', (hereinafter referred to as the model) manufactured by M/s Sunshine Electronics, 114, Mangalmurthy Complex, Ashram Road, Ahmedabad-380 009 and which is assigned the approval mark IND/09/98/213;

The model (see figure) is a High accuracy (accuracy class II) weighing instrument with a maximum capacity of 12 kilogram and minimum capacity of 50 gram. The verification scale interval (e) is 1 g The instrument operates on 220 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover weighing instruments of same series with maximum number of verification scale interval (n) less than or equal to 1,00,000 ($n \leq 100,000$) and with 'e' value to 1×10^k , 2×10^k and 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(124)/97]

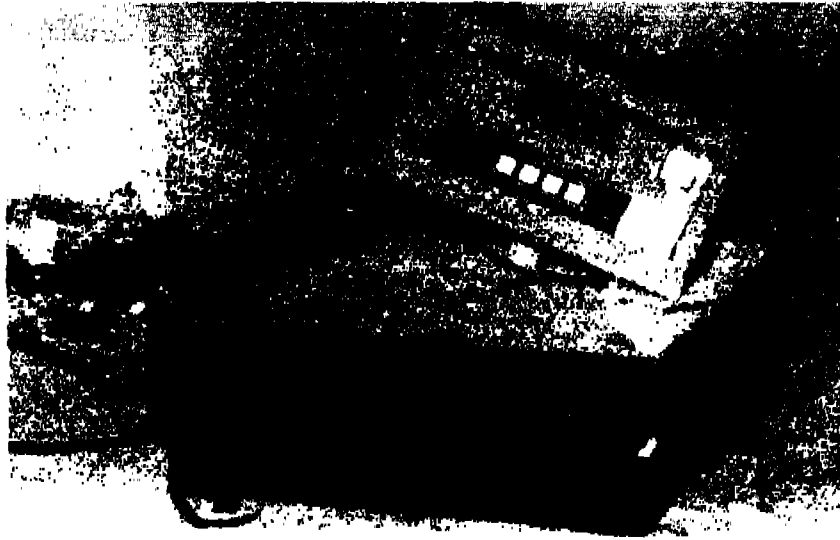
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 सितम्बर, 1999

का. आ. 2862.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और संभावना यह है कि अविरत उपयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित दशाओं में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग II यथार्थता (उच्च यथार्थता) की इलैक्ट्रॉनिक प्लेटफार्म तल की तोलन मशीन के माडल का, जिसके ब्रांड का नाम "सन डिगी" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स शन साइन इलैक्ट्रॉनिक्स 114, मंगल मूर्ति काम्पलेक्स आश्रम रोड, अहमदाबाद-380009 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/98/214 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति देखें) उच्च यथार्थता (यथार्थता वर्ग II) का तोलन उपकरण है, जिसकी अधिकतम क्षमता 120 किलोग्राम है, न्यूनतम क्षमता 500 ग्राम है। सत्यापन मापमान अन्तराल (ई) 10 ग्राम है। उपकरण 230 वोल्ट और 50 हर्ट्ज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के इस अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी श्रृंखला के उसी मेक, यथार्थता और कार्यकरण वाला ऐसा तोलन उपकरण भी होगा, जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिसके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 1,00,000 (एन \leq 1,00,000) बराबर है तथा जिसका "ई" मान 1, 2, 3 श्रृंखला का है। $1 \times 10^*$, $2 \times 10^*$, और $5 \times 10^*$ है, वे घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21/(124)/97]

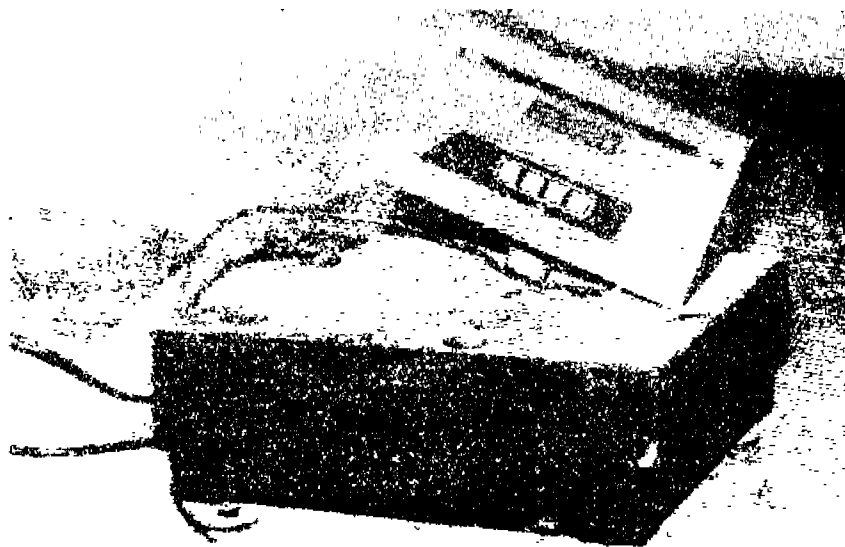
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 1999

S.O. 2862.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing instrument of platform top type with digital indication of High accuracy class (class II) and with brand name "SUN DIGI", (hereinafter referred to as the model) manufactured by M/s. Sunshine Electronics, 114, Mangalmurthy Complex, Ashram Road, Ahmedabad-380 009 and which is assigned the approval mark IND/09/98/214.

The model (see figure) is a High accuracy (accuracy class II) weighing instrument with maximum capacity of 120 kilogram and minimum capacity of 500 gram. The verification scale interval (e) is 10 g. The instrument operates on 220 V, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover weighing instrument of same series with maximum number of verification scale interval (n) less than or equal to 1,00,000 ($n \leq 100,000$) and with " e " value to 1×10^k , 2×10^k and 5×10^k , k being a positive, negative or whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which the approved model has been manufactured.

[F No. WM-21(124)/97]

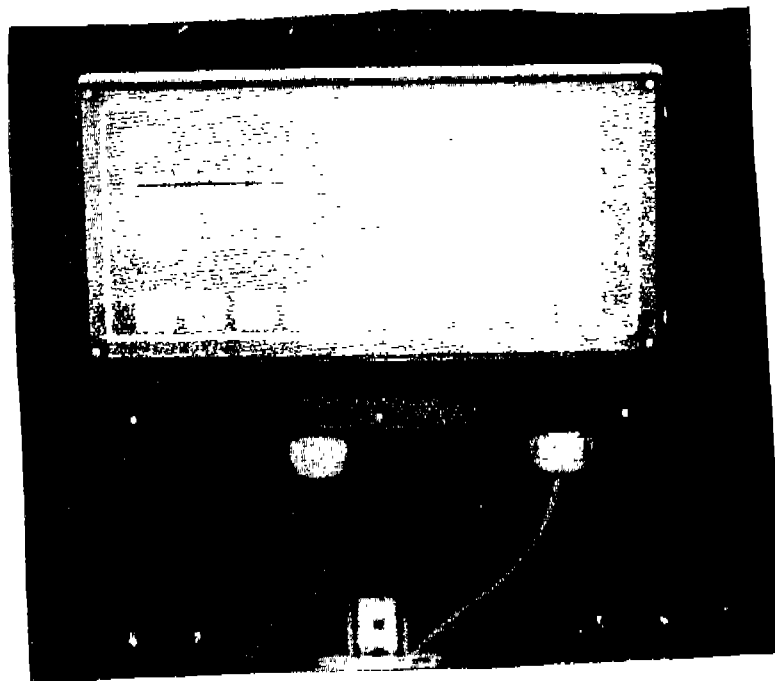
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 सितम्बर, 1999

का. आ. 2863.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उम्मे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाली 'आई सी सी 811' श्रृंखला की अंकक सूचन सहित अस्थचालित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स एम टी एल सिस्टम्स लिमिटेड, एम सं. 445-447, नेहरू स्ट्रीट शोलिंगानालूर, चैन्नई-600 119 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/99/51 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) का अंकक सूचन सहित प्लेट फार्म प्रकार का अस्थचालित तोलन उपकरण है, जिसकी अधिकतम क्षमता 50 किलोग्राम है, न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अन्तराल (ई) 20 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड प्रकार की है। उपकरण 230 वोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उम्मे श्रृंखला के उम्मे मैक, यथार्थता वाला एम्मा तोलन उपकरण भी होगा, जिसका विनिर्माण उम्मे विनिर्माता द्वारा उम्मे डिजाइन और उम्मे सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 10,000 (एन < 10,000) से कम या उसके बराबर है तथा जिसका "ई" मान 1×10^5 , 2×10^5 , और 5×10^5 है, के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21/(143)/97]

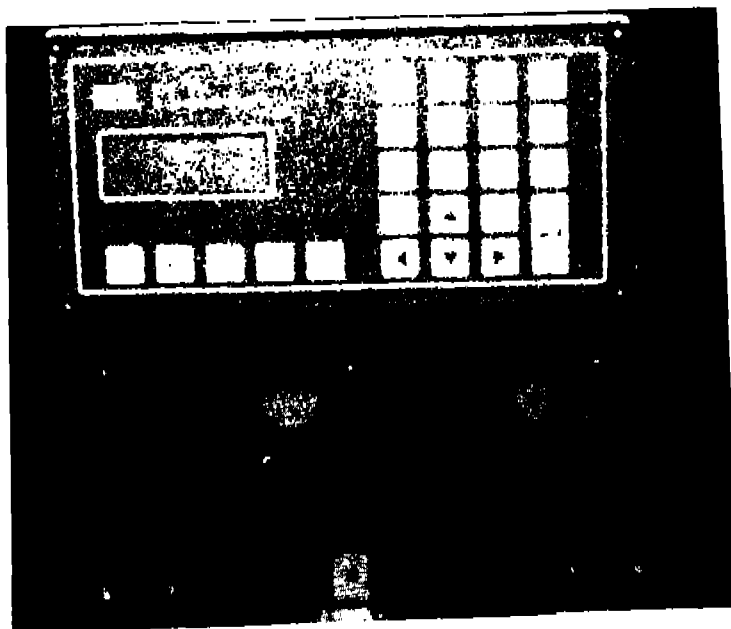
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 1999

S.O. 2863.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of the non-automatic weighing instrument (Platform-Type) with digital indication (hereinafter referred to as the model) of 'ICC 811' series belonging to medium accuracy class (Accuracy class III), manufactured by M/s MTL Systems Limited, S. No. 445-447, Nehru Street Sholinganallur, Chennai-600 119 and which is assigned the approval mark IND/09/99/51:

The model is a non-automatic weighing instrument tap-platform type with digital indication of maximum capacity 50 kilogram and minimum capacity of 400 gram and belonging to medium accuracy class (accuracy class III). The value of verification scale interval (e) is 20 g. The display unit is of Liquid Crystal diode (LCD) type. The instrument operates on 230 V, 50 Hertz alternate current power supply:



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover weighing instrument of same make, and accuracy class with maximum number of scale interval (n) upto 10,000 ($n \leq 10,000$) and with "e" value of $1 \cdot 10^k$, $2 \cdot 10^k$ and $5 \cdot 10^k$, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same design and with the same materials with which the approved model has been manufactured.

[F. No WM-21(143)/97]

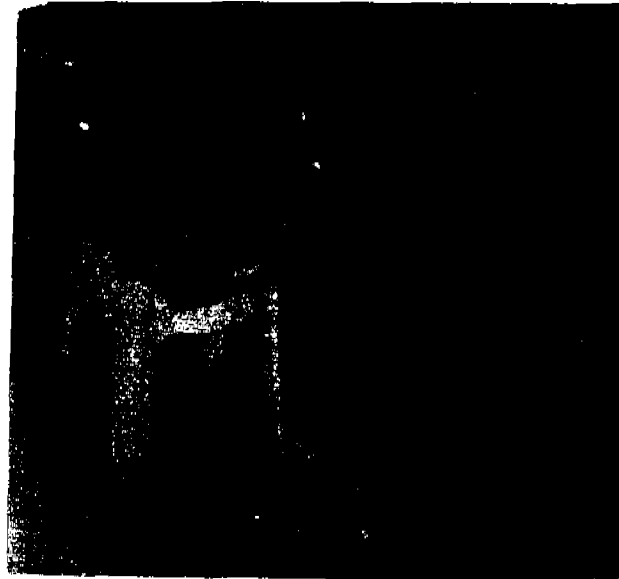
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 सितम्बर, 1999

का. आ. 2864.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वर्ग II यथार्थता (उच्च यथार्थता) वाली "डी एस 451" श्रृंखला की, स्वतःसूचक, अस्वचालित, इलैक्ट्रॉनिक प्लेटफार्म तोलन मशीन के माडल का, जिसके ब्रांड का नाम "ईसी डिगी" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स ईसी टिरोका लिमिटेड, 27, 9वीं क्रॉस, विलसन गार्डन, बंगलौर-560027 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/98/230 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति नीचे दी गई है) उच्च यथार्थता (यथार्थता वर्ग II) का तोलन उपकरण है, जिसकी अधिकतम क्षमता 60 किलोग्राम है और न्यूनतम क्षमता 250 ग्राम है। सत्यापन मापमान अन्तराल (ई) 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही आयताकार है जिसकी भुजाएं 450×550 मिलीमीटर हैं। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और केन्द्रीय सरकार, उक्त अधिनियम धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यकरण वाला ऐसा तोलन उपकरण भी होगा, जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान का अन्तराल (एन) की अधिकतम संख्या 1,00,000 से कम या उसके बराबर है ($\text{एन} \leq 1,00,000$) तक है तथा जिसका "ई" मान 1, 2, 5 श्रृंखला का है।

[फा. सं. डब्ल्यू.एम-21(93)/98]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th September, 1999

S.O. 2864.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic, electronic platform weighing machine of DS-451 series and of class II accuracy (high accuracy) and with brand name 'ESSAE-DIGI', (herein referred to as the Model) manufactured by M/s. Essae Teraoka Limited, 27, 9th Cross, Wilson Garden, Bangalore-560 027, and which is assigned the approval mark IND/09/98/230;

The said Model (the figure given below) is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 60 kilogram and minimum capacity of 250 gram. The verification scale interval (e) is 5 g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The load receptor platform is of rectangular shape of size 450 × 550 millimetre. The instrument operates on 230 volts and frequency 50 Hertz, alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum number of verification scale interval (n) less than or equal to 1,00,000 ($n \leq 100,000$) and with "e" value of 1, 2, 5 series, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(93)/98]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 सितम्बर, 1999

का. आ. 2865.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के वर्गनी तक पेट्रोलियम (कूड) के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लि० द्वारा पाइपलाइन बिछाई जाए;

और यह प्रतीत होता है कि ऐसी पाइपलाइनों बिछाने के प्रयोजन के लिए इस अधिसूचना के उपावृद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधाग (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में हितवन्त कोई व्यक्ति उस तारीख से, जिसको, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, 21 दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में उसमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप श्री वी० एन० अखौर्ग, राक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, हल्दिया-वर्गनी कूड पाइपलाइन संवर्धन परियोजना, विलियम्स टाउन, कॉलेज रोड, देवघर-814112 को कर सकेगा।

अनुसूची

अंचल-झाड़ा		जिला-जमुई	राज्य-बिहार		
ग्राम	थाना सं०	प्लॉट सं०	क्षेत्रफल		
			हेक्टेयर	एअर	संन्टीएअर
1	2	3	4	5	6
दादपुर	6	483	0	02	02
		468	0	09	31
		466	0	30	35
		467	0	00	40

1	2	3	4	5	6
		465	0	01	62
		458	0	05	67
		454	0	02	02
		455	0	08	90
		433	0	01	62
		432	0	02	02
		431	0	02	02
		428	0	01	21
		429	0	01	62
		427	0	01	21
		426	0	01	62
		411	0	03	64
		412	0	01	21
		413	0	00	81
		407	0	02	83
		406	0	02	43
		396	0	02	43
		393	0	02	83
		390	0	01	21
		389	0	05	26
		380	0	04	86
		379	0	19	83
		378	0	00	81
		377	0	01	62
		20	0	03	64
		19	0	02	43
		18	0	02	43
		9	0	06	88

1	2	3	4	5	6
		63	0	00	81
सुल्तानपुर	5	37	0	18	62
		36	0	05	26
		32	0	10	12
		23	0	03	24
		19	0	03	24
		18	0	05	26
		17	0	01	21
धमना	2	183	0	02	83
		177	0	00	81
		176	0	00	40
		172	0	04	45
		171	0	04	86
		169	0	07	28
		170	0	00	40
		168	0	07	28
		166	0	00	81
		212	0	00	81
		164	0	00	81
		162	0	04	86
संसारपुर	124	262	0	00	81
		261	0	00	40
		258	0	09	31
		257	0	04	05
		253	0	11	33
		251	0	03	24
		252	0	04	86

1	2	3	4	5	6
अंचल-गिद्धौर					
केतरु नवादा	125	311	0	01	21
		310	0	00	81
		304	0	00	40
		305	0	09	71
		302	0	06	88
		299	0	03	24
		288	0	01	21
		273	0	01	21
		278	0	02	43
		279	0	03	24
		280	0	05	26
		283	0	11	33
		284	0	05	26
		290	0	13	36
		127	0	01	21
		156	0	00	40
		166	0	05	26
		165	0	01	62
		167	0	00	81
		164	0	04	45
		172	0	06	88
		173	0	13	36
		177	0	00	40
		94	0	02	43
		96	0	02	43

1	2	3	4	5	6
		93	0	00	40
		92	0	03	64
		90	0	03	24
		89	0	00	40
		53	0	12	55
		21	0	00	81
		54	0	03	64
		20	0	00	81
		19	0	07	69
		18	0	06	88
		23	0	09	31
		14	0	00	81
		12	0	00	40
		13	0	06	88
गंगरा	123	41	0	00	81
		42	0	01	62
		43	0	04	05
		44	0	01	62
		38	0	08	90
		37	0	02	83
		26	0	06	48
		25	0	00	40
		24	0	06	48
		23	0	02	83
		20	0	01	21
		21	0	00	40

1	2	3	4	5	6
		16	0	04	45
		15	0	02	02
		14	0	00	81
		13	0	05	26
सेवा	36	3130	0	02	43
		3154	0	14	97
		3174	0	04	86
		3178	0	06	88
		3176	0	00	81
		3179	0	00	81
		3233	0	00	81
		3232	0	05	26
		3231	0	02	02
		3230	0	09	71
		3227	0	10	12
		3258	0	08	90
		3244	0	04	05
		3264	0	00	40
		3265	0	00	40
		3263	0	04	05
		3272	0	04	05
		3267	0	00	40
		3272	0	00	81
		3275	0	02	43
		3277	0	02	83
		3276	0	00	40
		3278	0	01	62
		3279	0	00	40
		1548	0	02	02

1	2	3	4	5	6
		1549	0	02	02
		1550	0	00	40
		1554	0	00	40
		1555	0	02	43
		1544	0	00	40
		1543	0	01	21
		1556	0	00	40
		1557	0	02	02
		1558	0	02	02
		1559	0	00	81
		1560	0	01	62
		1561	0	02	02
		1567	0	01	21
		1561	0	00	40
		1562	0	02	43
		1568	0	01	62
		1566	0	00	40
		1372	0	00	81
		1371	0	01	62
		1340	0	02	83
		1341	0	00	81
		1342	0	00	40
		1339	0	02	02
		1343	0	01	62
		1350	0	00	81
		1349	0	04	45
		1348	0	02	02
		1347	0	01	62
		1346	0	01	62
		1345	0	01	21

1	2	3	4	5	6
		1344	0	02	43
		749	0	04	45
		724	0	03	24
		725	0	04	45
		726	0	02	83
		727	0	02	83
		728	0	0C	81
		714	0	02	43
		713	0	05	67
		712	0	02	02
		710	0	03	24
		709	0	04	86
		706	0	03	24
		707	0	04	05
		708	0	04	45
		668	0	06	48
		664	0	02	43
		652	0	02	43
		651	0	00	81
		650	0	00	40
		648	0	07	28
		645	0	03	64
		644	0	06	88
		643	0	02	02
		642	0	00	81
		635	0	00	40
		634	0	03	64
		633	0	07	69
		630	0	01	62

1	2	3	4	5	6
		628	0	02	43
		629	0	01	21
		77	0	00	81
		78	0	02	02
		70	0	00	81
		72	0	02	02
		71	0	02	02
		73	0	01	21
		68	0	06	88
		67	0	02	02
		66	0	01	21
रतनपुर	137	3730	0	15	78
		3731	0	21	45
		3736	0	04	45
		3737	0	12	95
		3739	0	03	64
		3750	0	09	31
		3740	0	01	62
		3741	0	03	24
		3742	0	10	93
		3744	0	00	81
		3745	0	13	36
		3746	0	00	81
		3747	0	12	95
		3748	0	17	00
		3749	0	02	43
		4688	0	01	21
		4697	0	00	81
		4698	0	03	64

1	2	3	4	5	6
		4699	0	00	40
		4700	0	03	24
		4706	0	09	31
		4707	0	07	28
		4711	0	06	07
		4709	0	02	02
		4710	0	00	81
		4815	0	18	62
		4813	0	01	62
		4812	0	03	24
		553	0	17	00
		557	0	02	43
		554	0	03	64
		555	0	04	86
		533	0	00	81
		532	0	03	24
		535	0	06	48
		530	0	00	81
		536	0	02	83
		537	0	02	43
		526	0	08	09
		524	0	01	21
		523	0	13	36
		520	0	01	62
		517	0	12	55
		486	0	03	24
		484	0	04	86
		485	0	03	24
		483	0	00	40

1	2	3	4	5	6
		481	0	04	45
		480	0	03	64
		470	0	01	21
		468	0	11	33
		469	0	03	24
		465	0	22	66
		463	0	00	40
		459	0	10	12
		458	0	04	86
		454	0	03	64
		452	0	06	88
		448	0	06	88
		449	0	04	86
		450	0	05	67
		443	0	00	81
		442	0	01	62
		441	0	04	86
		440	0	02	43
		438	0	06	88
		431	0	00	40
		436	0	00	40
		435	0	06	48
		320	0	01	21
		319	0	06	88
		317	0	06	88
		311	0	07	69
		316	0	07	28
		313	0	02	83
		312	0	02	83

1	2	3	4	5	6
		290	0	08	50
		289	0	00	40
		279	0	08	90
		280	0	00	40
		264	0	10	52
		263	0	04	45
		262	0	01	21
		242	0	34	40
		239	0	00	40
		238	0	01	21
		234	0	02	02
		232	0	05	26
		231	0	04	86
		230	0	06	07
		213	0	01	21
		195	0	00	40
		194	0	01	21
		193	0	04	45
		192	0	08	50
		189	0	01	62
गेनाडीह	147	569	0	01	62
		546	0	01	21
		544	0	06	48
		537	0	05	67
		539	0	04	86
		652	0	00	81

1	2	3	4	5	6
अंचल-जमुई					
कुन्धुर	144	681	0	00	40
		677	0	19	02
		679	0	00	40
		676	0	02	43
		674	0	02	02
		673	0	02	83
		660	0	00	81
		659	0	07	28
		665	0	06	88
		596	0	00	81
		597	0	06	88
		595	0	04	45
		593	0	02	02
नारायणपुर	142	720	0	00	40
		716	0	00	40
		714	0	05	67
		715	0	07	28
		711	0	00	81
		708	0	01	21
		709	0	04	05
		710	0	04	45
बिजुवाही	143	102	0	02	83
		97	0	05	26
		96	0	02	43
		95	0	04	86
		94	0	00	40
		89	0	07	28
		81	0	03	64
		85	0	04	86

1	2	3	4	5	6
		83	0	02	43
		82	0	02	43
		73	0	12	95
		72	0	06	88
अंचल-बरहट					
कटौना	22	3764	0	21	45
		3759	0	01	21
		3758	0	02	43
		3745	0	08	50
		3744	0	07	28
		3736	0	00	40
		3738	0	03	64
		3737	0	01	62
		3733	0	00	81
		3734	0	19	43
		3735	0	00	40
		3678	0	03	64
		3676	0	24	69
		3674	0	02	02
		3669	0	06	48
		3667	0	03	64
		3658	0	08	90
		3657	0	06	88
		3649	0	12	95
		3647	0	02	02
		3646	0	01	21
		3639	0	01	62

1	2	3	4	5	6.
		3143	0	06	88
		3144	0	05	26
		3145	0	06	48
		3146	0	05	26
		3149	0	02	02
		3147	0	04	05
		3148	0	02	43
		3163	0	00	40
		3166	0	06	88
		3167	0	17	81
		3168	0	01	21
		3182	0	00	40
		3183	0	14	57
		3184	0	00	81
		3189	0	09	71
		3190	0	04	45
		3187	0	01	21
		3212	0	02	83
		3213	0	02	83
		3214	0	00	40
		3210	0	00	40
		3209	0	06	48
		3207	0	02	02
		3218	0	06	48
		3219	0	00	40
		3220	0	00	40
		3221	0	03	24
		3222	0	02	43
		3223	0	02	43

1	2	3	4	5	6
		3224	0	02	43
		3225	0	00	40
		3227	0	11	33
		3241	0	06	48
		3240	0	00	40
		3239	0	03	64
		3238	0	08	90
		3254	0	01	62
		3259	0	07	69
		3258	0	06	48
		3257	0	01	21
		1462	0	00	81
		1322	0	04	86
		1324	0	02	83
		1323	0	00	40
		1326	0	03	24
		1327	0	00	81
		1330	0	02	83
		1328	0	01	21
		1329	0	03	64
		1342	0	03	64
		1320	0	07	28
		1299	0	02	83
		1298	0	01	21
		1297	0	02	43
		1296	0	08	90

1	2	3	4	5	6
		1295	0	00	40
		1352	0	21	04
		1350	0	00	40
		1266	0	02	43
		1265	0	03	64
		1264	0	04	45
		1243	0	08	50
		1260	0	01	21
		1258	0	02	02
		1257	0	02	43
		1256	0	02	83
		1255	0	02	45
		1254	0	03	64
		1258	0	03	64
		1248	0	11	33
		1246	0	01	21
		1068	0	03	24
मलयपुर	12	1527	0	03	24
		1528	0	01	21
		1524	0	08	90
		1523	0	04	86
		1522	0	06	07
		1506	0	02	83
		1507	0	01	62
		1505	0	04	86
		1504	0	00	40

1	2	3	4	5	6
		1111	0	02	43
		1499	0	04	86
		1498	0	02	02
		1476	0	03	64
		1477	0	13	36
		1472	0	01	21
		1471	0	01	21
		1469	0	21	45
		1464	0	00	81
		1281	0	14	57
		1280	0	02	43
		1267	0	07	28
		1266	0	00	81
		1260	0	01	21
		1268	0	01	62
		1267	0	12	14
		1325	0	02	02
		1332	0	08	09
		1329	0	07	69
		1327	0	08	90
		1338	0	00	81
		1339	0	04	05
		1212	0	00	81
		1070	0	05	67
		1057	0	00	81
		1056	0	02	83

1	2	3	4	5	6
		1058	0	03	24
		1060	0	01	62
		1061	0	00	81
		1066	0	06	88
		1065	0	03	64
अक्षरा	19	128	0	02	43
		49	0	01	21
		48	0	02	02
		51	0	00	40
		47	0	03	24
		46	0	02	43
		66	0	09	31
		65	0	00	40
		68	0	12	95
		69	0	00	40
		70	0	00	40
		99	0	00	81
		103	0	03	64
		100	0	01	62
		97	0	02	43
		158	0	04	86
		157	0	02	43
		162	0	10	52
		180	0	16	19

1	2	3	4	5	6
		174	0	01	21
		173	0	07	28
		171	0	07	28
		217	0	07	28
		218	0	04	86
		216	0	01	21
		227	0	20	23
		289	0	05	26
		288	0	02	83
		395	0	12	14
		399	0	02	02
		407	0	12	55
		404	0	01	21
		406	0	04	45
कलहुआ	11	1755	0	02	43
		1679	0	14	57
		1694	0	02	02
		1696	0	00	81
		1695	0	01	21
		1697	0	00	81
		1740	0	01	21
		1739	0	05	26
		1735	0	05	26
		1732	0	05	26

1	2	3	4	5	6
		1731	0	02	83
		1730	0	02	83
		1728	0	04	05
		1725	0	04	86
		1591	0	00	81
बरियारपुर	14	382	0	00	81
		679	0	01	62
		390	0	02	02
		391	0	06	48
		185	0	08	09
		186	0	02	43
		187	0	01	62
		184	0	07	28
		183	0	03	24
		182	0	03	24
		181	0	02	43
		180	0	00	40
		400	0	22	26
		116	0	01	21
		43	0	01	62

1	2	3	4	5	6
		44	0	01	62
		49	0	03	24
		50	0	03	24
		51	0	03	24
		53	0	01	62
		38	0	10	12
		39	0	10	52
		37	0	00	81
		36	0	01	62
		35	0	01	62
		25	0	20	23
		31	0	00	40
		30	0	14	57
		26	0	15	38
		01	0	00	81

[फा. सं. आर. 31015/10/99-ओ आर-1]

एस. चन्द्रशेखर, अधर सचिव

Ministry of Petroleum & Natural Gas

New Delhi, 29th September, 1999

Notification

S. O. No. 2865.— Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Haldia, in the State of West Bengal to Barauni, in the State of Bihar, a pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date, on which the copies of this notification, as published in the Gazette of India, are made available in general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri V. N. Akhauri, Competent Authority, Indian Oil Corporation Limited, Augmentation of Haldia-Barauni Crude Pipeline Project, Williams Town, College Road, Deoghar-814112 (Bihar).

Schedule

Anchal-Jhajha		District-Jamui		State-Bihar	
Village	Thana No.	Plot No.	Area		
			Hectares	Ares	Centiares
1.	2	3	4	5	6
Dadpur	6	483	0	02	02
		468	0	09	31
		466	0	30	35
		467	0	00	40

1	2	3	4	5	6
		465	0	01	62
		458	0	05	67
		454	0	02	02
		455	0	08	90
		433	0	01	62
		432	0	02	02
		431	0	02	02
		428	0	01	21
		429	0	01	62
		427	0	01	21
		426	0	01	62
		411	0	03	64
		412	0	01	21
		413	0	00	81
		407	0	02	83
		406	0	02	43
		396	0	02	43
		393	0	02	83
		390	0	01	21
		389	0	05	26
		380	0	04	86
		379	0	19	83
		378	0	00	81
		377	0	01	62
		20	0	03	64
		19	0	02	43
		18	0	02	43
		9	0	06	88

1	2	3	4	5	6
		63	0	00	81
Sultanpur	5	37	0	18	62
		36	0	05	26
		32	0	10	12
		23	0	03	24
		19	0	03	24
		18	0	05	26
		17	0	01	21
Dhamna	2	183	0	02	83
		177	0	00	81
		176	0	00	40
		172	0	04	45
		171	0	04	86
		169	0	07	28
		170	0	00	40
		168	0	07	28
		166	0	00	81
		212	0	00	81
		164	0	00	81
		162	0	04	86
Sansarpur	124	262	0	00	81
		261	0	00	40
		258	0	09	31
		257	0	04	05
		253	0	11	11
		251	0	03	24
		252	0	04	86

1	2	3	4	5	6
Anchal-Giddhor					
Ketru Nawada	125	311	0	01	21
		310	0	00	81
		304	0	00	40
		305	0	09	71
		302	0	06	88
		299	0	03	24
		288	0	01	21
		273	0	01	21
		278	0	02	43
		279	0	03	24
		280	0	05	26
		283	0	11	33
		284	0	05	26
		290	0	13	36
		127	0	01	21
		156	0	00	40
		166	0	05	26
		165	0	01	62
		167	0	00	81
		164	0	04	45
		172	0	06	88
		173	0	13	36
		177	0	00	40
		94	0	02	43
		96	0	02	43

1	2	3	4	5	6
		93	0	00	40
		92	0	03	64
		90	0	03	24
		89	0	00	40
		53	0	12	55
		21	0	00	81
		54	0	03	64
		20	0	00	81
		19	0	07	69
		18	0	06	88
		23	0	09	31
		14	0	00	81
		12	0	00	40
		13	0	06	88
Gangra	123	41	0	00	81
		42	0	01	62
		43	0	04	05
		44	0	01	62
		38	0	08	90
		37	0	02	83
		26	0	06	48
		25	0	00	40
		24	0	06	48
		23	0	02	83
		20	0	01	21
		21	0	00	40

1	2	3	4	5	6
		16	0	04	45
		15	0	02	02
		14	0	00	81
		13	0	05	26
Sewa	36	3130	0	02	43
		3154	0	14	97
		3174	0	04	86
		3178	0	06	88
		3176	0	00	81
		3179	0	00	81
		3233	0	00	81
		3232	0	05	26
		3231	0	02	02
		3230	0	09	71
		3227	0	10	12
		3258	0	08	90
		3244	0	04	05
		3264	0	00	40
		3265	0	00	40
		3263	0	04	05
		3272	0	04	05
		3267	0	00	40
		3272	0	00	81
		3275	0	02	43
		3277	0	02	83
		3276	0	00	40
		3278	0	01	62
		3279	0	00	40
		1548	0	02	02

1	2	3	4	5	6
		1549	0	02	02
		1550	0	00	40
		1554	0	00	40
		1555	0	02	43
		1544	0	00	40
		1543	0	01	21
		1556	0	00	40
		1557	0	02	02
		1558	0	02	02
		1559	0	00	81
		1560	0	01	62
		1561	0	02	02
		1567	0	01	21
		1561	0	00	40
		1562	0	02	43
		1568	0	01	62
		1566	0	00	40
		1372	0	00	81
		1371	0	01	62
		1340	0	02	83
		1341	0	00	81
		1342	0	00	40
		1339	0	02	02
		1343	0	01	62
		1350	0	00	81
		1349	0	04	45
		1348	0	02	02
		1347	0	01	62
		1346	0	01	62
		1345	0	01	21

1	2	3	4	5	6
		1344	0	02	43
		749	0	04	45
		724	0	03	24
		725	0	04	45
		726	0	02	83
		727	0	02	83
		728	0	00	81
		714	0	02	43
		713	0	05	67
		712	0	02	02
		710	0	03	24
		709	0	04	86
		706	0	03	24
		707	0	04	05
		708	0	04	45
		668	0	06	48
		664	0	02	43
		652	0	02	43
		651	0	00	81
		650	0	00	40
		648	0	07	28
		645	0	03	64
		644	0	06	88
		643	0	02	02
		642	0	00	81
		635	0	00	40
		634	0	03	64
		633	0	07	69
		630	0	01	62

1	2	3	4	5	6
		628	0	02	43
		629	0	01	21
		77	0	00	81
		78	0	02	02
		70	0	00	81
		72	0	02	02
		71	0	02	02
		73	0	01	21
		68	0	06	88
		67	0	02	02
		66	0	01	21
Ratanpur	137	3730	0	15	78
		3731	0	21	45
		3736	0	04	45
		3737	0	12	95
		3739	0	03	64
		3750	0	09	31
		3740	0	01	62
		3741	0	03	24
		3742	0	10	93
		3744	0	00	81
		3745	0	13	36
		3746	0	00	81
		3747	0	12	95
		3748	0	17	00
		3749	0	02	43
		4688	0	01	21
		4697	0	00	81
		4698	0	03	64

1	2	3	4	5	6
		4699	0	00	40
		4700	0	03	24
		4706	0	09	31
		4707	0	07	28
		4711	0	06	07
		4709	0	02	02
		4710	0	00	81
		4815	0	18	62
		4813	0	01	62
		4812	0	03	24
		553	0	17	00
		557	0	02	43
		554	0	03	64
		555	0	04	86
		533	0	00	81
		532	0	03	24
		535	0	06	48
		530	0	00	81
		536	0	02	83
		537	0	02	43
		526	0	08	09
		524	0	01	21
		523	0	13	36
		520	0	01	62
		517	0	12	55
		486	0	03	24
		484	0	04	86
		485	0	03	24
		483	0	00	40

1	2	3	4	5	6
		481	0	04	45
		480	0	03	64
		470	0	01	21
		468	0	11	33
		469	0	03	24
		465	0	22	66
		463	0	00	40
		459	0	10	12
		458	0	04	86
		454	0	03	64
		452	0	06	88
		448	0	06	88
		449	0	04	86
		450	0	05	67
		443	0	00	81
		442	0	01	62
		441	0	04	86
		440	0	02	43
		438	0	06	88
		431	0	00	40
		436	0	00	40
		435	0	06	48
		320	0	01	21
		319	0	06	88
		317	0	06	88
		311	0	07	69
		316	0	07	28
		313	0	02	83
		312	0	02	83

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		290	0	08	50
		289	0	00	40
		279	0	08	90
		280	0	00	40
		264	0	10	52
		263	0	04	45
		262	0	01	21
		242	0	34	40
		239	0	00	40
		238	0	01	21
		234	0	02	02
		232	0	05	26
		231	0	04	86
		230	0	06	07
		213	0	01	21
		195	0	00	40
		194	0	01	21
		193	0	04	45
		192	0	08	50
		189	0	01	62
Genadih	147	569	0	01	62
		546	0	01	21
		544	0	06	48
		537	0	05	67
		539	0	04	86
		652	0	00	81

1	2	3	4	5	6
Anchal-Jamui					
Kundhur	144	681	0	00	40
		677	0	19	02
		679	0	00	40
		676	0	02	43
		674	0	02	02
		673	0	02	83
		660	0	00	81
		659	0	07	28
		665	0	06	88
		596	0	00	81
		597	0	06	88
		595	0	04	45
		593	0	02	02
		720	0	00	40
		716	0	00	40
Narayanpur	142	714	0	05	67
		715	0	07	28
		711	0	00	81
		708	0	01	21
		709	0	04	05
		710	0	04	45
		102	0	02	83
Bijuwahi	143	97	0	05	26
		96	0	02	43
		95	0	04	86
		94	0	00	40
		89	0	07	28
		81	0	03	64
		85	0	04	86

1	2	3	4	5	6
		83	0	02	43
		82	0	02	43
		73	0	12	95
		72	0	06	88
Anchal-Barhat Katauna	22	3764	0	21	45
		3759	0	01	21
		3758	0	02	43
		3745	0	08	50
		3744	0	07	28
		3736	0	00	40
		3738	0	03	64
		3737	0	01	62
		3733	0	00	81
		3734	0	19	43
		3735	0	00	40
		3678	0	03	64
		3676	0	24	69
		3674	0	02	02
		3669	0	06	48
		3667	0	03	64
		3658	0	08	90
		3657	0	06	88
		3649	0	12	95
		3647	0	02	02
		3646	0	01	21
		3639	0	01	62

1	2	3	4	5	6
		3143	0	06	88
		3144	0	05	26
		3145	0	06	48
		3146	0	05	26
		3149	0	02	02
		3147	0	04	05
		3148	0	02	43
		3163	0	00	40
		3166	0	06	88
		3167	0	17	81
		3168	0	01	21
		3182	0	00	40
		3183	0	14	57
		3184	0	00	81
		3189	0	09	71
		3190	0	04	45
		3187	0	01	21
		3212	0	02	83
		3213	0	02	83
		3214	0	00	40
		3210	0	00	40
		3209	0	06	48
		3207	0	02	02
		3218	0	06	48
		3219	0	00	40
		3220	0	00	40
		3221	0	03	24
		3222	0	02	43
		3223	0	02	43

1	2	3	4	5	6
		3224	0	02	43
		3225	0	00	40
		3227	0	11	33
		3241	0	06	48
		3240	0	00	40
		3239	0	03	64
		3238	0	08	90
		3254	0	01	62
		3259	0	07	69
		3258	0	06	48
		3257	0	01	21
		1462	0	00	81
		1322	0	04	86
		1324	0	02	83
		1323	0	00	40
		1326	0	03	24
		1327	0	00	81
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		1329	0	03	64
		1342	0	03	64
		1320	0	07	28
		1299	0	02	83
		1298	0	01	21
		1297	0	02	43
		1296	0	08	90

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		1295	0	00	40
		1352	0	21	04
		1350	0	00	40
		1266	0	02	43
		1265	0	03	64
		1264	0	04	45
		1243	0	08	50
		1260	0	01	21
		1258	0	02	02
		1257	0	02	43
		1256	0	02	83
		1255	0	02	43
		1254	0	03	64
		1258	0	03	64
		1248	0	11	33
		1246	0	01	21
		1068	0	03	24
Malaipur	12	1527	0	03	24
		1528	0	01	21
		1524	0	08	90
		1523	0	04	86
		1522	0	06	07
		1506	0	02	83
		1507	0	01	62
		1505	0	04	86
		1504	0	00	40

1	2	3	4	5	6
		1111	0	02	43
		1499	0	04	86
		1498	0	02	02
		1476	0	03	64
		1477	0	13	36
		1472	0	01	21
		1471	0	01	21
		1469	0	21	45
		1464	0	00	81
		1281	0	14	57
		1280	0	02	43
		1267	0	07	28
		1266	0	00	81
		1260	0	01	21
		1268	0	01	62
		1267	0	12	14
		1325	0	02	02
		1332	0	08	09
		1329	0	07	69
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		1338	0	00	81
		1339	0	04	05
		1212	0	00	81
		1070	0	05	67
		1057	0	00	81
		1056	0	02	83

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		1058	0	03	24
		1060	0	01	62
		1061	0	00	81
		1066	0	06	88
		1065	0	03	64
Akshara	19	128	0	02	43
		49	0	01	21
		48	0	02	02
		51	0	00	40
		47	0	03	24
		46	0	02	43
		66	0	09	31
		65	0	00	40
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		70	0	00	40
		99	0	00	81
		103	0	03	64
		100	0	01	62
		97	0	02	43
		158	0	04	86
		157	0	02	43
		162	0	10	52
		180	0	16	19

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		174	0	01	21
		173	0	07	28
		171	0	07	28
		217	0	07	28
		218	0	04	86
		216	0	01	21
		227	0	20	23
		289	0	05	26
		288	0	02	83
		395	0	12	14
		399	0	02	02
		407	0	12	55
		404	0	01	21
		406	0	04	45
		1755	0	02	43
		1679	0	14	57
		1694	0	02	02
		1696	0	00	81
		1695	0	01	21
		1697	0	00	81
		1740	0	01	21
		1739	0	05	26
		1735	0	05	26
		1732	0	05	26

1	2	3	4	5	6
		1731	0	02	83
		1730	0	02	83
		1728	0	04	05
		1725	0	04	86
		1591	0	00	81
Bariyarpur	14	382	0	00	81
		679	0	01	62
		390	0	02	02
		391	0	06	48
		185	0	08	09
		186	0	02	43
		187	0	01	62
		184	0	07	28
		183	0	03	24
		182	0	03	24
		181	0	02	43
		180	0	00	40
		400	0	22	26
		116	0	01	21
		43	0	01	62

1	2	3	4	5	6
		44	0	01	62
		49	0	03	24
		50	0	03	24
		51	0	03	24
		53	0	01	62
		38	0	10	12
		39	0	10	52
		37	0	00	81
		36	0	01	62
		35	0	01	62
		25	0	20	23
		31	0	00	40
		30	0	14	57
		26	0	15	38
		01	0	00	81

[F. No. R-31015/10/99-OR-I]
S. CHANDRASEKHAR, Under Secy.

नई दिल्ली, 29 सितम्बर, 1999

अधिसूचना

क्रा. आ. 2866. ————— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरीनी तक पेट्रोलियम (कूड) के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लि० द्वारा पाइपलाइन बिछाई जाए;

और यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना के उपावस्त्र अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में हितवस्त्र कोई व्यक्ति उस तारीख से, जिसको, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, 21 दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में उसमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप में आक्षेप श्री वी० एन० अखीरी, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, हल्दिया-बरीनी कूड पाइपलाइन संवर्धन परियोजना, विलियम्स टाउन, कॉलेज रोड, देवघर-814112 (बिहार) को कर सकेगा।

अनुसूची

अंचल-लखीसराय		जिला-लखीसराय		राज्य-बिहार	
ग्राम	थाना सं०	प्लॉट सं०	हेक्टेयर	क्षेत्रफल एअर	सेन्टीएअर
कुमरर	48	1393	0	00	81
		1389	0	01	21
		1357	0	00	81
		1355	0	06	07
		1354	0	15	78
		1345	0	10	93
		1369	0	00	81
		1349	0	00	81
		1325	0	08	90
		1324	0	07	28
		1323	0	00	40
		1322	0	15	38
		1319	0	00	81
		1318	0	07	28
		223	0	00	81
		224	0	03	64
		222	0	65	97
		199	0	08	09
		220	0	00	81
		218	0	10	52
		208	0	04	45
		209	0	(X)	40
		207	0	02	02
		205	0	(X)	81

1	2	3	4	5	6
		210	0	06	07
		215	0	00	81
गोपालपुर	47	2005	0	04	45
		2003	0	04	86
		1948	0	01	21
		1949	0	04	86
		1950	0	00	40
		1953	0	09	71
		1563	0	08	09
		1559	0	00	81
		1553	0	00	81
		1554	0	05	26
		1551	0	02	83
		1555	0	01	62
		1550	0	06	07
		1549	0	06	88
		1545	0	00	40
		1548	0	08	09
		1547	0	09	71
		1496	0	05	67
		1497	0	01	21
		1492	0	01	21
		1493	0	09	71
		1483	0	02	43
		1484	0	02	83
		1472	0	00	40
		1473	0	05	26
		1474	0	01	62

1	2	3	4	5	6
		1480	0	00	81
		1479	0	01	62
		1475	0	01	62
		1467	0	01	62
		1465	0	00	81
		1466	0	01	21
		1464	0	01	62
		1462	0	00	40
		1463	0	01	21
		1457	0	04	45
		1452	0	04	45
		1440	0	04	45
		1444	0	01	62
		1443	0	00	40
		1445	0	05	67
		1439	0	07	28
		1438	0	02	43
		1437	0	08	90
		1418	0	01	21
		1419	0	04	45
		1420	0	10	52
		1434	0	11	33
		1431	0	03	24
		1430	0	00	81
		1429	0	11	33
		924	0	03	24
		925	0	05	26
		930	0	04	45

1	2	3	4	5	6
		931	0	04	05
		933	0	02	02
		183	0	08	90
		181	0	02	02
		180	0	02	83
		168	0	02	83
		169	0	02	43
		165	0	00	81
		162	0	02	02
		163	0	05	67
		152	0	01	62
		102	0	07	28
		131	0	00	81
		105	0	00	40
		104	0	04	86
		97	0	02	83
		96	0	04	45
		93	0	00	81
		86	0	06	88
		87	0	02	02
		83	0	04	45
		90	0	00	40
		64	0	03	24
		65	0	06	88
		66	0	05	26
		57	0	07	69
		56	0	00	81
		52	0	17	00

1.	2	3	4	5	6
रेवटा	49	1596	0	02	02
		1593	0	21	45
		1594	0	00	40
मननपुर	96	601	0	02	02
		600	0	03	64
		1301	0	00	81
		598	0	00	81
		597	0	00	40
		592	0	00	81
		591	0	03	24
		590	0	01	62
चुरामन बीधा	46	641	0	01	62
		680	0	04	05
		678	0	02	43
		677	0	02	02
		676	0	04	05
		672	0	04	86
		659	0	04	86
		656	0	04	45
		657	0	01	62
		652	0	02	02
		651	0	01	21
		650	0	01	21
		648	0	04	86
		602	0	00	40
		603	0	(X)	40

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		604	0	02	43
		600	0	01	21
		598	0	02	43
		599	0	00	81
		585	0	01	21
		586	0	00	81
		587	0	01	62
		582	0	00	81
		580	0	01	62
		578	0	01	62
		571	0	00	81
		572	0	00	81
		570	0	01	21
		566	0	03	24
		404	0	00	81
		349	0	02	43
		345	0	02	02
		343	0	01	62
		342	0	04	05
		338	0	01	21
		325	0	02	43
		323	0	03	24
		322	0	03	24
		118	0	02	83

1	2	3	4	5	6
		313	0	00	81
		312	0	03	24
		584	0	03	64
		301	0	01	21
		302	0	00	40
		300	0	02	43
		262	0	04	45
		263	0	02	43
		253	0	01	21
		255	0	02	43
		247	0	08	09
		233	0	04	05
		1199	0	00	40
		246	0	01	21
		401	0	01	21
		404	0	00	81
		405	0	06	07
		406	0	00	81
		396	0	01	62
बसुआवक	50	381	0	02	02
		379	0	00	40
		380	0	00	81
		382	0	01	62
		383	0	02	02
		385	0	00	40
		386	0	01	62
		390	0	04	05

1	2	3	4	5	6
		391	0	00	81
		392	0	01	21
		249	0	00	40
		250	0	06	07
		251	0	06	07
		244	0	10	12
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		226	0	02	83
		222	0	04	45
		221	0	06	48
		216	0	00	81
		215	0	01	21
		204	0	13	76
		199	0	01	21
		632	0	02	83
		598	0	03	24
		599	0	02	02
		627	0	05	67
		602	0	01	62
		603	0	00	81
		604	0	01	21
		607	0	02	02
		608	0	03	64
		609	0	01	21
		613	0	03	24
		616	0	06	07

1	2	3	4	5	6
		355	0	06	48
		497	0	00	81
		496	0	02	43
		495	0	01	62
संग्रामपुर	43	2801	0	05	26
		2800	0	00	81
		2650	0	01	62
		2651	0	07	69
		2653	0	08	90
		2654	0	00	81
		2655	0	03	24
		2656	0	03	64
		2657	0	00	40
		2660	0	00	40
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		2663	0	02	83
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		2677	0	01	62
		2678	0	01	21
		2679	0	00	40
		2680	0	03	64
		2681	0	01	21
		2684	0	01	62
		2685	0	07	28

1	2	3	4	5	6
		2687	0	03	64
		2688	0	04	86
		2689	0	00	40
		2697	0	08	09
		2701	0	00	40
		2702	0	00	81
		2700	0	00	40
		2703	0	03	24
		2705	0	00	81
		2443	0	02	02
		2442	0	03	24
		2441	0	01	62
		2444	0	04	45
		2445	0	07	28
		2458	0	02	83
		2454	0	02	83
		2455	0	11	33
		1416	0	02	02
		1443	0	04	86
		1442	0	06	88
		1441	0	04	86
		1083	0	03	24
		1082	0	04	86
इटोन इंगलिस	55	34	0	05	67
		33	0	03	24
		32	0	02	02
		21	0	01	62
		23	0	02	43

1	2	3	4	5	6
		22	0	02	02
		24	0	01	21
		20	0	01	62
		19	0	01	21
		18	0	05	67
इटीन	57	1091	0	07	28
		1090	0	04	05
		1113	0	23	07
		1116	0	00	40
		1112	0	01	21
		1135	0	03	64
		1134	0	00	81
		1133	0	07	69
		1129	0	03	24
		1128	0	02	43
		1126	0	02	43
		1125	0	00	40
		1194	0	02	43
		1208	0	01	21
		1207	0	08	90
		1206	0	01	62
		1205	0	01	62
		1214	0	03	24
		1215	0	00	81
		1216	0	02	43
		1266	0	00	81
		1265	0	04	05
		1217	0	01	21

1	2	3	4	5	6
		1263	0	00	40
		1262	0	02	83
		1261	0	00	81
		1260	0	03	64
		1217	0	02	43
		1218	0	03	64
		1219	0	01	62
		1220	0	01	62
		1248	0	00	40
		1221	0	03	64
		1247	0	03	64
		1241	0	06	48
		1240	0	03	24
		1236	0	01	62
		1239	0	00	40
		1237	0	02	43
		1231	0	04	05
		1230	0	01	62
		1229	0	00	81
		1225	0	00	81
		1228	0	01	62
		1227	0	03	24
		1226	0	04	45
सिताईचक	59	81	0	07	69
		82	0	00	81
		75	0	01	62
		76	0	04	86
		67	0	07	69

1	2	3	4	5	6
		65	0	08	90
		64	0	03	64
		62	0	01	21
		63	0	01	62
		6	0	00	81
		7	0	00	81
		5	0	06	07
		1	0	00	81
मानपुर	58	562	0	00	81
		561	0	01	62
		151	0	01	21
		554	0	03	64
		552	0	03	64
		550	0	01	21
जानपुर	68	119	0	00	40
		291	0	00	81
		289	0	00	81
		290	0	00	40
खैरकुआँ	60	117	0	01	62
		116	0	04	05
		115	0	02	43
		114	0	01	62
		113	0	02	02
		110	0	01	21
		109	0	01	21
		105	0	02	02
		103	0	02	02
		104	0	01	62

1	2	3	4	5	6
		97	0	01	21
		76	0	01	62
		96	0	00	81
		95	0	00	81
		77	0	06	48
		79	0	01	62
		80	0	03	24
		67	0	01	21
		66	0	01	62
		65	0	00	81
		48	0	01	62
		54	0	01	21
		53	0	01	21
		56	0	00	40
		55	0	01	21
		52	0	01	21
		41	0	02	02
		43	0	07	69
		42	0	02	02
		37	0	02	02
		24	0	00	81
		25	0	01	62
		26	0	01	21
		27	0	02	43
		22	0	01	62
		4	0	02	43
		6	0	12	14
		5	0	03	24

1	2	3	4	5	6
		7	0	06	48
		1	0	06	48
भरमपुर	67	1009	0	03	64
		1015	0	00	81
		1010	0	03	64
		1011	0	07	28
		1023	0	04	45
		980	0	02	02
		979	0	03	24
		977	0	04	05
		120	0	02	43
		121	0	01	62
मोहरी	65	1092	0	02	43
		1091	0	02	02
		1090	0	05	26
		1083	0	01	21
		1084	0	03	24
		1085	0	00	81
		1030	0	03	64
		1081	0	00	40
		1033	0	12	95
		1038	0	00	81
		1039	0	00	40
		1040	0	01	21
		1042	0	01	62
		1046	0	01	62
		1045	0	02	83
		666	0	02	43

1	2	3	4	5	6
		1014	0	11	33
		1004	0	00	40
		1003	0	01	62
		840	0	00	81
		63	0	00	40
		992	0	01	21
		993	0	01	21
		991	0	04	05
		989	0	03	24
		990	0	00	81
		988	0	00	40
		987	0	01	62
		996	0	01	62
		995	0	00	81
		804	0	00	81
		796	0	01	62
		794	0	03	24
		797	0	01	62
		792	0	03	64
		793	0	00	81
		748	0	04	86
		787	0	01	21
		786	0	02	43
		785	0	00	81
		782	0	00	40
		784	0	02	83
		783	0	02	43
		780	0	04	45

1	2	3	4	5	6
		778	0	00	40
		779	0	00	40
		871	0	02	02
		45	0	13	36
		42	0	01	21
		39	0	01	21
		40	0	14	57
		41	0	03	24
		52	0	01	21
		53	0	01	21
		59	0	03	64
		277	0	02	02
		60	0	01	62
		61	0	01	62
		80	0	00	40
		81	0	06	88
भुइका	35	614	0	04	45
		613	0	01	62
		612	0	07	28
बलहपुर	62	552	0	00	81
		551	0	03	64
		549	0	01	21
		548	0	00	81
		540	0	00	40
		539	0	01	21
		538	0	01	62
		537	0	10	52
		536	0	01	21

1	2	3	4	5	6
		533	0	00	81
		516	0	00	81
		515	0	00	81
		517	0	08	09
		528	0	04	45
		519	0	03	64
		273	0	00	40
		271	0	02	02
		272	0	02	02
		198	0	00	40
		187	0	01	21
		167	0	03	24
		202	0	01	21
		201	0	04	86
		209	0	02	02
		206	0	01	21
		207	0	01	62
		212	0	01	62
		115	0	00	81
		31	0	04	86
		30	0	04	86
		26	0	01	21
		25	0	01	52
		24	0	01	62
		4	0	02	83
		19	0	03	24
		13	0	02	43

1	2	3	4	5	6
		17	0	00	81
		16	0	01	62
		14	0	00	40
		15	0	02	02
सुदपार	78	863	0	09	71
		778	0	03	64
		777	0	03	64
		774	0	01	21
		751	0	04	45
		752	0	02	43
		753	0	03	24
		754	0	00	81
		755	0	02	02
		756	0	02	43
		757	0	05	26
		759	0	02	43
		747	0	02	83
		746	0	06	07
		745	0	04	86
		742	0	01	21
		743	0	04	45
		700	0	00	40
		701	0	01	62
		702	0	01	62
		703	0	03	64
		704	0	00	81
		688	0	04	05
		687	0	01	21

1	2	3	4	5	6
		686	0	04	05
		685	0	04	05
		684	0	00	40
		650	0	10	12
		682	0	17	81
		677	0	00	40
		675	0	04	45
		676	0	00	40
		674	0	00	81
		672	0	01	62
		671	0	01	21
		663	0	00	81
रायकुण्डी	82	128	0	00	40
		45	0	00	81
		74	0	04	05
		123	0	00	81
		75	0	00	40
		73	0	06	07
		72	0	03	24
		71	0	04	05
		76	0	04	86
		69	0	00	40
		77	0	02	43
		78	0	02	83
		64	0	02	43
		63	0	03	64
		51	0	00	81
		52	0	00	81

1	2	3	4	5	6
		53	0	12	95
		41	0	07	28
		37	0	00	40
		40	0	06	88
मोहनकुण्डा	81	828	0	07	69
		829	0	01	62
		825	0	00	40
		824	0	04	05
		823	0	03	24
		822	0	02	83
		664	0	03	24
		663	0	03	64
		662	0	10	12
		661	0	02	02
		420	0	02	43
		673	0	00	81
		675	0	08	09
		672	0	00	81
		677	0	05	67
		676	0	00	81
		675	0	07	28
		679	0	03	24
		680	0	00	81
		682	0	06	07
		812	0	00	81
		684	0	01	62
		686	0	10	93
		810	0	01	62

1	2	3	4	5	6
		811	0	05	26
		644	0	01	62
		809	0	01	21
		807	0	12	14
		807	0	10	93
		804	0	10	93
		802	0	02	43
		801	0	06	88
		922	0	04	86
		921	0	08	09
		920	0	13	36
		841	0	01	21
जोसीकुण्डी	84	215	0	00	40
		216	0	00	40
		836	0	01	62
		837	0	04	45
		835	0	12	14
		834	0	08	09
		831	0	00	81
		830	0	04	86
		829	0	00	81
		827	0	01	21
		828	0	00	40
		248	0	00	81
		249	0	05	26
		250	0	01	21
		251	0	04	86

1	2	3	4	5	6
		254	0	03	64
		253	0	02	83
		255	0	02	02
		256	0	00	81
		276	0	07	69
		277	0	04	86
		280	0	03	24
		282	0	03	24
		289	0	02	02
		290	0	04	05
		291	0	00	40
		292	0	01	21
		295	0	02	02
		294	0	01	62
		297	0	05	67
		18	0	07	28
		20	0	00	81

[फा. सं. आर. 31015/10/99-ओ आर-1]

एस. चन्द्रशेखर, अपर सचिव

New Delhi. 29th September. 1999

S. O. No. 2866.--- Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the state of West Bengal to Barauni in the state of Bihar, pipeline should be laid by the Indian Oil Corporation Limited;

And, whereas it appears that for purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in the exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available in general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri V. N. Akhauri, Competent Authority, Indian Oil Corporation Limited, Augmentation of Haldia-Barauni Crude Pipeline Project, Williams Town, College Road, Deoghar-814112 (Bihar).

SCHEDULE

ANCHAL : LAKHISARAI		DISTRICT : LAKHISARAI		STATE : BIHAR	
VILLAGE	THANA NO	PLOT NO	A R E A		
			HECTARES	ARES	CENTIARES
1	2	3	4	5	6
KUMDAR	48	1393	0	00	81
		1389	0	01	21
		1357	0	00	81
		1355	0	06	07
		1354	0	15	78
		1345	0	10	93
		1369	0	00	81
		1349	0	00	81
		1325	0	08	90
		1324	0	07	28
		1323	0	00	40
		1322	0	15	38
		1319	0	00	81
		1318	0	07	28
		223	0	00	81
		224	0	03	64
		222	0	65	97
		199	0	08	09
		220	0	00	81
		218	0	10	52
		208	0	04	45
		209	0	00	40
		207	0	02	02
		205	0	00	81

1	2	3	4	5	6
		210	0	06	07
		215	0	00	81
GOPALPUR	47	2005	0	04	45
		2003	0	04	86
		1948	0	01	21
		1949	0	04	86
		1950	0	00	40
		1953	0	09	71
		1563	0	08	09
		1559	0	00	81
		1553	0	00	81
		1554	0	05	26
		1551	0	02	83
		1555	0	01	62
		1550	0	06	07
		1549	0	06	88
		1545	0	00	40
		1548	0	08	09
		1547	0	09	71
		1496	0	05	67
		1497	0	01	21
		1492	0	01	21
		1493	0	09	71
		1483	0	02	43
		1484	0	02	83
		1472	0	00	40
		1473	0	05	26
		1474	0	01	62

1	2	3	4	5	6
		1480	0	00	81
		1479	0	01	62
		1475	0	01	62
		1467	0	01	62
		1465	0	00	81
		1466	0	01	21
		1464	0	01	62
		1462	0	00	40
		1463	0	01	21
		1457	0	04	45
		1452	0	04	45
		1440	0	04	45
		1444	0	01	62
		1443	0	00	40
		1445	0	05	67
		1439	0	07	28
		1438	0	02	43
		1437	0	08	90
		1418	0	01	21
		1419	0	04	45
		1420	0	10	52
		1434	0	11	33
		1431	0	03	24
		1430	0	00	81
		1429	0	11	33
		924	0	03	24
		925	0	05	26
		930	0	04	45

1	2	3	4	5	6
		931	0	04	05
		933	0	02	02
		183	0	08	90
		181	0	02	02
		180	0	02	83
		168	0	02	83
		169	0	02	43
		165	0	00	81
		162	0	02	02
		163	0	05	67
		152	0	01	62
		102	0	07	28
		131	0	00	81
		105	0	00	40
		104	0	04	86
		97	0	02	83
		96	0	04	45
		93	0	00	81
		86	0	06	88
		87	0	02	02
		83	0	04	45
		90	0	00	40
		64	0	03	24
		65	0	06	88
		66	0	05	26
		57	0	07	69
		56	0	00	81
		52	0	17	00

1	2	3	4	5	6
REWATA	49	1596	0	02	02
		1593	0	21	45
		1594	0	00	40
MANANPUR	96	601	0	02	02
		600	0	03	64
		1301	0	00	81
		598	0	00	81
		597	0	00	40
		592	0	00	81
		591	0	03	24
		590	0	01	62
CHURAMAN BIGHA	46	641	0	01	62
		680	0	04	05
		678	0	02	43
		677	0	02	02
		676	0	04	05
		672	0	04	86
		659	0	04	86
		656	0	04	45
		657	0	01	62
		652	0	02	02
		651	0	01	21
		650	0	01	21
		648	0	04	86
		602	0	00	40
		603	0	00	40

1	2	3	4	5	6
		604	0	02	43
		600	0	01	21
		598	0	02	43
		599	0	00	81
		585	0	01	21
		586	0	00	81
		587	0	01	62
		582	0	00	81
		580	0	01	62
		578	0	01	62
		571	0	00	81
		572	0	00	81
		570	0	01	21
		566	0	03	24
		404	0	00	81
		349	0	02	43
		345	0	02	02
		343	0	01	62
		342	0	04	05
		338	0	01	21
		325	0	02	43
		323	0	03	24
		322	0	03	24
		318	0	02	83

1	2	3	4	5	6
		313	0	00	81
		312	0	03	24
		584	0	03	64
		301	0	01	21
		302	0	00	40
		300	0	02	43
		262	0	04	45
		263	0	02	43
		253	0	01	21
		255	0	02	43
		247	0	08	09
		233	0	04	05
		1199	0	00	40
		246	0	01	21
		401	0	01	21
		404	0	00	81
		405	0	06	07
		406	0	00	81
		396	0	01	62
BASUACHAK	50	381	0	02	02
		379	0	00	40
		380	0	00	81
		382	0	01	62
		383	0	02	02
		385	0	00	40
		386	0	01	62
		390	0	04	05

1	2	3	4	5	6
		391	0	00	81
		392	0	01	21
		249	0	00	40
		250	0	06	07
		251	0	06	07
		244	0	10	12
		245	0	00	40
		226	0	02	83
		222	0	04	45
		221	0	06	48
		216	0	00	81
		215	0	01	21
		204	0	13	76
		199	0	01	21
RAMAL BIGHA	51	632	0	02	83
		598	0	03	24
		599	0	02	02
		627	0	05	67
		602	0	01	62
		603	0	00	81
		604	0	01	21
		607	0	02	02
		608	0	03	64
		609	0	01	21
		613	0	03	24
		616	0	06	07

1	2	3	4	5	6
		355	0	06	48
		497	0	00	81
		496	0	02	43
		495	0	01	62
SANGRAMPUR	43	2801	0	05	26
		2800	0	00	81
		2650	0	01	62
		2651	0	07	69
		2653	0	08	90
		2654	0	00	81
		2655	0	03	24
		2656	0	03	64
		2657	0	00	40
		2660	0	00	40
		2639	0	10	52
		2663	0	02	83
		2666	0	01	21
		2665	0	10	52
		2673	0	01	21
		2672	0	03	64
		2677	0	01	62
		2678	0	01	21
		2679	0	00	40
		2680	0	03	64
		2681	0	01	21
		2684	0	01	62
		2685	0	07	28

1	2	3	4	5	6
		2687	0	03	64
		2688	0	04	86
		2689	0	00	40
		2697	0	08	09
		2701	0	00	40
		2702	0	00	81
		2700	0	00	40
		2703	0	03	24
		2705	0	00	81
		2443	0	02	02
		2442	0	03	24
		2441	0	01	62
		2444	0	04	45
		2445	0	07	28
		2458	0	02	83
		2454	0	02	83
		2455	0	11	33
		1416	0	02	02
		1443	0	04	86
		1442	0	06	88
		1441	0	04	86
		1083	0	03	24
		1082	0	04	86
ETOWN ENGLISH	55	34	0	05	67
		33	0	03	24
		32	0	02	02
		21	0	01	62
		23	0	02	43

1	2	3	4	5	6
		22	0	02	02
		24	0	01	21
		20	0	01	62
		19	0	01	21
		18	0	05	67
ETOWN	57	1091	0	07	28
		1090	0	04	05
		1113	0	23	07
		1116	0	00	40
		1112	0	01	21
		1135	0	03	64
		1134	0	00	81
		1133	0	07	69
		1129	0	03	24
		1128	0	02	43
		1126	0	02	43
		1125	0	00	40
		1194	0	02	43
		1208	0	01	21
		1207	0	08	90
		1206	0	01	62
		1205	0	01	62
		1214	0	03	24
		1215	0	00	81
		1216	0	02	43
		1266	0	00	81
		1265	0	04	05
		1217	0	01	21

1	2	3	4	5	6
		1263	0	00	40
		1262	0	02	83
		1261	0	00	81
		1260	0	03	64
		1217	0	02	43
		1218	0	03	64
		1219	0	01	62
		1220	0	01	62
		1248	0	00	40
		1221	0	03	64
		1247	0	03	64
		1241	0	06	48
		1240	0	03	24
		1236	0	01	62
		1239	0	00	40
		1237	0	02	43
		1231	0	04	05
		1230	0	01	62
		1229	0	00	81
		1225	0	00	81
		1228	0	01	62
		1227	0	03	24
		1226	0	04	45
TITAICHAK	59	81	0	07	69
		82	0	00	81
		75	0	01	62
		76	0	04	86
		67	0	07	69

1	2	3	4	5	6
		65	0	08	90
		64	0	03	64
		62	0	01	21
		63	0	01	62
		6	0	00	81
		7	0	00	81
		5	0	06	07
		1	0	00	81
MANPUR	58	562	0	00	81
		561	0	01	62
		151	0	01	21
		554	0	03	64
		552	0	03	64
		550	0	01	21
JANPUR	68	119	0	00	40
		291	0	00	81
		289	0	00	81
		290	0	00	40
KHAIRKUAN	60	117	0	01	62
		116	0	04	05
		115	0	02	43
		114	0	01	62
		113	0	02	02
		110	0	01	21
		109	0	01	21
		105	0	02	02
		103	0	02	02
		104	0	01	62

1	2	3	4	5	6
		97	0	01	21
		76	0	01	62
		96	0	00	81
		95	0	00	81
		77	0	06	48
		79	0	01	62
		80	0	03	24
		67	0	01	21
		66	0	01	62
		65	0	00	81
		48	0	01	62
		54	0	01	21
		53	0	01	21
		56	0	00	40
		55	0	01	21
		52	0	01	21
		41	0	02	02
		43	0	07	69
		42	0	02	02
		37	0	02	02
		24	0	00	81
		25	0	01	62
		26	0	01	21
		27	0	02	43
		22	0	01	62
		4	0	02	43
		6	0	12	14
		5	0	03	24

1	2	3	4	5	6
		7	0	06	48
		1	0	06	48
DHARAMPUR	67	1009	0	03	64
		1015	0	00	81
		1010	0	03	64
		1011	0	07	28
		1023	0	04	45
		980	0	02	02
		979	0	03	24
		977	0	04	05
		120	0	02	43
		121	0	01	62
GOHARI	65	1092	0	02	43
		1091	0	02	02
		1090	0	05	26
		1083	0	01	21
		1084	0	03	24
		1085	0	00	81
		1030	0	03	64
		1081	0	00	40
		1033	0	12	95
		1038	0	00	81
		1039	0	00	40
		1040	0	01	21
		1042	0	01	62
		1046	0	01	62
		1045	0	02	83
		666	0	02	43

1	2	3	4	5	6
		1014	0	11	33
		1004	0	00	40
		1003	0	01	62
		840	0	00	81
		63	0	00	40
		992	0	01	21
		993	0	01	21
		991	0	04	05
		989	0	03	24
		990	0	00	81
		988	0	00	40
		987	0	01	62
		996	0	01	62
		995	0	00	81
		804	0	00	81
		796	0	01	62
		794	0	03	24
		797	0	01	62
		792	0	03	64
		793	0	00	81
		748	0	04	86
		787	0	01	21
		786	0	02	43
		785	0	00	81
		782	0	00	40
		784	0	02	83
		783	0	02	43
		780	0	04	45

1	2	3	4	5	6
		778	0	00	40
		779	0	00	40
		871	0	02	02
		45	0	13	36
		42	0	01	21
		39	0	01	21
		40	0	14	57
		41	0	03	24
		52	0	01	21
		53	0	01	21
		59	0	03	64
		277	0	02	02
		60	0	01	62
		61	0	01	62
		80	0	00	40
		81	0	06	88
BHUIKA	35	614	0	04	45
		613	0	01	62
		612	0	07	28
BALAHPUR	62	552	0	00	81
		551	0	03	64
		549	0	01	21
		548	0	00	81
		540	0	00	40
		539	0	01	21
		538	0	01	62
		537	0	10	52
		536	0	01	21

1	2	3	4	5	6
		533	0	00	81
		516	0	00	81
		515	0	00	81
		517	0	08	09
		528	0	04	45
		519	0	03	64
		273	0	00	40
		271	0	02	02
		272	0	02	02
		198	0	00	40
		187	0	01	21
		167	0	03	24
		202	0	01	21
		201	0	04	86
		209	0	02	02
		206	0	01	21
		207	0	01	62
		212	0	01	62
		115	0	00	81
		31	0	04	86
		30	0	04	86
		26	0	01	21
		25	0	01	62
		24	0	01	62
		4	0	02	83
		19	0	03	24
		13	0	02	43

1	2	3	4	5	6
		17	0	00	81
		16	0	01	62
		14	0	00	40
		15	0	02	02
>	KHUTUPAR	78 863	0	09	71
		778	0	03	64
		777	0	03	64
		774	0	01	21
		751	0	04	45
		752	0	02	43
		753	0	03	24
		754	0	00	81
		755	0	02	02
		756	0	02	43
		757	0	05	26
		759	0	02	43
		747	0	02	83
		746	0	06	07
		745	0	04	86
		742	0	01	21
		743	0	04	45
		700	0	00	40
		701	0	01	62
		702	0	01	62
		703	0	03	64
		704	0	00	81
		688	0	04	05
		687	0	01	21

1	2	3	4	5	6
		686	0	04	05
		685	0	04	05
		684	0	00	40
		650	0	10	12
		682	0	17	81
		677	0	00	40
		675	0	04	45
		676	0	00	40
		674	0	00	81
		672	0	01	62
		671	0	01	21
		663	0	00	81
RAYKUNDI	82	128	0	00	40
		45	0	00	81
		74	0	04	05
		123	0	00	81
		75	0	00	40
		73	0	06	07
		72	0	03	24
		71	0	04	05
		76	0	04	86
		69	0	00	40
		77	0	02	43
		78	0	02	83
		64	0	02	43
		63	0	03	64
		51	0	00	81
		52	0	00	81

1	2	3	4	5	6
		53	0	12	95
		41	0	07	28
		37	0	00	40
		40	0	06	88
MOHANKUNDI	81	828	0	07	69
		829	0	01	62
		825	0	00	40
		824	0	04	05
		823	0	03	24
		822	0	02	83
		664	0	03	24
		663	0	03	64
		662	0	10	12
		661	0	02	02
		420	0	02	43
		673	0	00	81
		675	0	08	09
		672	0	00	81
		677	0	05	67
		676	0	00	81
		675	0	07	28
		679	0	03	24
		680	0	00	81
		682	0	06	07
		812	0	00	81
		684	0	01	62
		686	0	10	93
		810	0	01	62

1	2	3	4	5	6
		811	0	05	26
		644	0	01	62
		809	0	01	21
		807	0	12	14
		807	0	10	93
		804	0	10	93
		802	0	02	43
		801	0	06	88
		922	0	04	86
		921	0	08	09
		920	0	13	36
		841	0	01	21
GHOSHIKUNDI	84	215	0	00	40
		216	0	00	40
		836	0	01	62
		837	0	04	45
		835	0	12	14
		834	0	08	09
		831	0	00	81
		830	0	04	86
		829	0	00	81
		827	0	01	21
		828	0	00	40
		248	0	00	81
		249	0	05	26
		250	0	01	21
		251	0	04	86

1	2	3	4	5	6
		254	0	03	64
		253	0	02	83
		255	0	02	02
		256	0	00	81
		276	0	07	69
		277	0	04	86
		280	0	03	24
		282	0	03	24
		289	0	02	02
		290	0	04	05
		291	0	00	40
		292	0	01	21
		295	0	02	02
		294	0	01	62
		297	0	05	67
		18	0	07	28
		20	0	00	81

[F. No. R-31015/10/99-OR-I]
S CHANDRASEKHAR, Under Secy

नई दिल्ली, 29 सितम्बर, 1999

का. आ. 2867.— केन्द्रीय सरकार ने, पेट्रोलियम और अमिज पाईप-लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. अ. 1898 तारीख 22.6.99 द्वारा मोटर स्पिट, उच्च कोटि किरोसिन तेल और उच्च वर्ग डीजल के केरल राज्य में भारत पेट्रोलियम कारपोरेशन लिमिटेड, इरमापनम्, के इरमापनम् संस्थापन से तमिलनाडु राज्य के कोचीन से करूर तक परिवहन के लिए पेट्रोनेट सी.सी.के. लिमिटेड द्वारा पाईपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 21.7.1999 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार की उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लगनों से मुक्त होकर पेट्रोनेट सी.सी.के. लिमिटेड में निहित होगा ;

अनुसूची

तालुका कन्गयाम

जिला -- इरोड

राज्य -- तमिलनाडु

गाँव का नाम	सर्वेक्षण सं०	क्षेत्र		
		हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5
1. मेट्टूपालायाम (पूर्व)	352/A1B	0	08	57
	1084/8	0	00	62
	1053/4	0	02	14
	1045/2	0	00	33
2. मेट्टूपालायाम (पश्चिम)	264/B1	0	00	37
	25/C	0	01	28
3. वीराचोलापुरम	249/1	0	42	59
	237/2A	0	16	90
	236/1	0	00	07
	221/1	0	03	39
	222/1	0	24	64
	217/3B	0	03	17
	202/3	0	00	18
4. पाञ्चापालायम	9/2A	0	00	38
5. वीरानामपालायम	872/6	0	06	94
	872/2	0	09	80
6. कांगायाम	827/2	0	00	26
	925/3	0	00	44
	639/6	0	01	02
	640/6	0	00	04

1	2	3	4	5
7. काउमुर	111/4	0	00	40
	119/2	0	00	43
	135/7	0	00	14
	205/11	0	01	95
	196/1	0	08	99
	195/14	0	03	03
	195/12	0	00	80
8. सामवन्थागपालायाम	232/7	0	00	18
	181/2	0	12	02
	236/10	0	00	22

[फा. सं. आर. 31015/5/98-ओ आर-II]

हरीश कुमार, अवर सचिव

New Delhi, 29th September, 1999

S. O. No. 2867.—WHEREAS by the Notification of the Government of India in the Ministry of Petroleum and Natural Gas S. O. No. 1898 dated 22.06.99 issued under sub-section (1) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962, (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the said land specified in the schedule appended to that notification for the purpose of laying pipeline for the transport of Motor Spirit, Superior Kerosene Oil and High Speed Diesel from Irumpanam Installation of Bharat Petroleum Corporation Limited, Irumpanam, Cochin in the State of Kerala to Karur in the State of Tamil Nadu by the Petronet CCK Limited;

And, Whereas, copy of the said Gazette notification was made available to the public on 21.07.99 ;

And, Whereas, the competent authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And, Whereas, the Central Government after considering the said report, is satisfied that the right of user in the land specified in the schedule appended notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declare that the right of user in the lands specified in the schedule appended to this notification are hereby acquired ;

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Petronet CCK Limited.

SCHEDULE

TALUK : KANGAYAM DISTRICT : ERODE STATE : TAMIL NADU

NAME OF THE VILLAGE	S. F. No.	AREA		
		HECTARES	ARES	Sq. Mts.
1	2	3	4	5
1. METTUPALAYAM (EAST)	352/A1B	0	08	57
	1084/8	0	00	62
	1053/4	0	02	14
	1045/2	0	00	33
2. METTUPALAYAM (WEST)	264/B1	0	00	37
	25/C	0	01	28
3. VEERACHOLAPURAM	249/1	0	42	59
	237/2A	0	16	90
	236/1	0	00	07
	221/1	0	03	39
	222/1	0	24	64
	217/3B	0	03	17
	202/3	0	00	18
4. PACHAPALAYAM	9/2A	0	00	38
5. VEERANAMPALAYAM	872/6	0	06	94
	872/2	0	09	80
6. KANGAYAM	827/2	0	00	26
	925/3	0	00	44
	639/6	0	01	02
	640/6	0	00	04

	1	2	3	4	5
7	KADAIYUR	111/4	0	00	40
		119/2	0	00	43
		135/7	0	00	14
		205/11	0	01	95
		196/1	0	08	99
		195/14	0	03	03
		195/12	0	00	80
8	SAMBANTAHMPALAYAM	232/7	0	00	18
		181/2	0	12	02
		236/10	0	00	22

[F. No. R-31015/5/98-OR-II]
HARISH KUMAR. Under Secy.

श्रम मंत्रालय

SCHEDULE

नई दिल्ली, 13 सितम्बर, 1999

का.आ. 2868.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा-संचार विभाग, मद्रास के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के प्रचार को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-99 को प्राप्त हुआ था।

[सं. एल-40012/181/95-आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 13th September, 1999

S.O. 2868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on the 13-9-99.

[No. L-40012/181/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated 6th September, 1999

PRESENT :

JUSTICE R. RAMAKRISHNA, Presiding Officer.

C.R. NO. 251/97

I PARTY

Sri N. K. Thandar,
Karnataka State Government daily
wage Employees Federation,
F-11, Gajanan Complex,
Dajibanpath, Hubli-29.

II PARTY

The Chief General Manager
and 5 others,
Southern Telecommunication
Region, No. 39, Rajaji Rd.,
Madras-1.

AWARD

1. The Central Government by exercising the power conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-40012/181/95-IR(DU) dated 10-7-97 for adjudication on the following schedule.
2825 GI/99—17

"Whether the management of Coaxial Maintenance, Belgaum is justified in terminating the services of Sri N. K. Thandar? If not, to what relief the workman is entitled for?"

2. The contention of the I party in his Claim Statement is that he was appointed on 1-4-84 as Cable Mazdoor. He became sick on 1-4-85 to 31-12-88. After number of representations he was taken on duty w.e.g. 8-11-98. He was rendered continuous service till 27-6-94. He was retrenched from service immediately there after.

3. He has questioned the retrenchment before the Central Administrative Tribunal. The Tribunal disposed the petition giving a direction to agitate under the Industrial Disputes Act. Thereafter he raised a conciliation resulted in the present reference.

4. According to him the II party violated section 25N(b) of the I.D. Act. The II party adopted first-cum-last go, last-cum-first go.

5. The II party filed a common Objection statement. They have admitted the fact that this workman worked from 1-4-84 to 31-3-85. There after the whereabouts of the I party was not known. Subsequently he was engaged as a Casual Labour from 8-11-89 till his retrenchment. They have further contended that the retrenchment was due to non-availability of the work. The I party was the Junior Casual Mazdoor at that time. Retrenchment notice was served and retrenchment compensation of Rs. 3694 was received by the I party. There was no continuity of service from 1-4-85 to 21-12-88. His services could not be regularised in the light of a notification dated 21-10-92 and 17-12-93. Therefore the I party is not entitled for any relief.

6. The points enumerated in the schedule was found to be sufficient to allow the parties to place their evidence.

7. The II party examined Sub-Divisional Engineer as MW1. He has deposed that the services of the I party was taken for laying Cables and he worked from 1-4-84 to 31-3-85. Later he has abandoned his work from 1-4-85 and again on 8-11-89 with a request to provide work. Since the work in this project was completed he has been issued with a retrenchment notice as per Ex. M-1. The power to retrenchment was on the basis of Ex. M-2. Retrenchment compensation was paid and the I party has encashed the DD.

8. In the Cross-examination he has accepted the fact that the I party on 8-11-89, expressed some problems with regard to his absence. He has denied the knowledge of producing a certificate disclosing his illness during the period of absence.

9. The workman gave his evidence as WW-1 and substantiated the averments. He has stated as he was suffering from T.B., he was absent continuously from 31-3-85 to 7-11-89. He again worked from 8-11-89 to 27-6-94. Though there was work available the management have retrenched his service.

10. The pleadings and the evidence represents the true facts of this case with minor variations. Admittedly the work provided to this workman was Casual

in nature to assist in laying Cables which was a seasonal work in nature. The Sub-Divisional Engineer issued a notice of retrenchment as a direction to retrench this workman. Ex. M-1 is a retrenchment notice. Ex. M-3 is calculation of retrenchment compensation and issue of a D.D. for Rs. 3,694.

11. Since the I party has received the retrenchment compensation, he has to some extent lost his right to claim that the retrenchment was bad in law. It is also not the case of the I party that he alone was chosen for retrenchment. Therefore, the I party has not made out any case to justify the prayer in his claim statement.

12. In view of the facts and circumstances the very reference is defective. There is no termination of service as contended but it is a retrenchment in accordance with law. Therefore the I party on his own conduct cannot say that his retrenchment was unjustified. Having regard to these facts and circumstances the following order is made.

ORDER

13. The reference is rejected.

(Dictated to the LDC transcribed by him corrected and signed by me on 6th September, 1999).

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 13 सितम्बर, 1999

का.आ. 2869.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार नेवल डॉक यार्ड, विशाखापटनम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अन्तर्गण में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-99 को प्राप्त हुआ था।

[सं. एल-14025/9/99-आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 13th September, 1999

S.O. 2869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure in the industrial dispute between the employers in relation to the management of Naval Dockyard, Visakhapatnam and their workman, which was received by the Central Government on the 13-9-99.

[No. L-14025/9/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT VISAKHAPATNAM

PRESENT :

Shri C. SAMBASIVA RAO, M.A..B.L. Chairman & Presiding Officer.

Monday, the 9th day of August, 1999

I.T.I.D.(C)32/97.

BETWEEN :

Dummu Das
S/o Late Dummu Dasanna,
Ambedkar Nagar,
Near Kani Pan shop,
NH 5 Road,
Kancharapalem,
Visakhapatnam.

... Workman.

AND

(1) The Admiral Superintendent,
Naval Dock Yard,
Visakhapatnam. ... R1 management.

(2) The Flag Officer,
Commandant in chief,

Naval Head Quarters,
Visakhapatnam. ... R2 management.

This dispute coming on for hearing before me in the presence of Sri K. Prabhakar, advocate for workman and the management set exparte. On perusing the material papers on record. The court passed the following :

AWARD

Workman absent. No representation. Nil award passed.

Given under my hand and seal of the court this the 9th day of Aug., 1999.

C. SAMBASIVA RAO, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2870.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार इक्विन ब्रेडिंग स्टड, हिसार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अन्तर्गण में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/266/90-आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42012/266/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH.

Case No. I.D. No. 52/97

Sh. Bachan Singh S/o Jaggar Singh C/o The
President, Distt. Agriculture Workers
Union, Gali No. 5, H. No. 123, Jawahar
Nagar, Hissar (Haryana)-125001.

... Petitioner

Vs.

The Commandant, Equine Breeding Stud,
Hissar—125001. ... Respondent

REPRESENTATIVES :

For the Workman—None.

For the Management—Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Govt. Ministry of Labour vide Notifi-
cation No. L-42012/266/90-IR(DU) dated 30-12-96
has referred the following dispute to this Tribunal
for adjudication :

“Whether the activities of the Equine Breeding
Stud, Hissar constitute to be that of an In-
dustry under the ID Act, & If so whether
the action of the management of Equine
Breeding Stud, Hissar in terminating the
services of Sh. Bachan Singh S/o Sh. Jaggar
Singh daily rated worker is just, fair and
legal and whether the action of the manage-
ment of Equine Breeding Stud, Hissar in
denying equal wages for equal work to the
workman is just and fair? If not, to what
relief the workman concerned is entitled,
to ?”

2. Despite repeated registered notice, none, has
put up appearance on behalf of the workman. It
appears that the workman is no longer interested to
pursue with the present reference. In view of the
above, the present reference is returned unanswered
for want of prosecution. Appropriate Govt. be
informed.

B. L. JATAV, Presiding Officer

Chandigarh

4-5-99.

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2871-औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय
सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबद्ध
नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

खण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय
सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/267/90-आईआर(डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2871.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the
Central Government hereby publishes the Award of
the Central Government Industrial Tribunal, Chandig-
garh as shown in the Annexure, in the industrial dis-
pute between the employers in relation to the mana-
gement of Equine Breeding Stud, Hissar and their
workmen, which was received by the Central Gov-
ernment on the 17-9-99.

[No. L-42012/267/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 4/97

The Commandant,
Equine Breeding Stud,
Hissar.

... Respondent.

AND

Dalip Singh S/o Pritam Singh
R/o Vill. Piran Wali, F.O. Nyoli Kalan
Hissar-125001.

... Petitioner.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri.

AWARD

(Passed on 4-5-1999)

The Central Government Ministry of Labour vide
notification No. L-42012/267/90-IR(DU) dt. 3-12-96
has referred following dispute to this Tribunal for
adjudication :-

“Whether the activities of the Equine Breeding
Stud, Hissar constitute to be that of an
Industry under the I.D. Act, and if so
whether the action of the management of
Equine Breeding Stud, Hissar in terminat-
ing the services of Shri Dalip Singh S/o
Sh. Pritam Singh daily rated worker is just,
fair and legal and whether the action of
the management of Equine Breeding Stud,
Hissar in denying equal wages for equal
work to the workman is just and fair? If
not, to what relief the workman concerned
is entitled to?”

Today the case was fixed for appearance of the
workman. Despite several notices none appeared
on behalf of the workman. It appears that workman

man is not interested to pursue with the present reference, in view of the above the present reference is returned to the Appropriate Government for want of prosecution.

Chandigarh,

B. L. JATAV, Presiding Officer.

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2872.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/256/90-आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42012/256/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 38/97

Sh. Dalip Singh S/o Sh. Hukam Singh C/o The President, Distt. Agriculture Workers Union,, Gali No. 5, H. No. 123, Jawahar Nagar, (Haryana)-125 001. .. Petitioner

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001, .. Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri,

AWARD

(Passed on 4-5-1999)

The Central Government, Ministry of Labour vide Notification L-42012/256/90-IR(DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication :

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Dalip Singh S/o Sh. Hukam Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed

B. L. JATAV, Presiding Officer

Chandigarh.

4-5-99.

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2873.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/257/90-आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42012/257/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 27/97

Sh. Satnam Singh S/o Sh. Nadar Singh C/o The President, Distt. Agriculture Workers

Union, Gali No. 5, H. No. 123, Jawahar
Nagar Hissar (Hary.), .. Petitioner

Vs.

The Commandant, Equine Breeding Stud,
Hissar-125001, .. Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri.

AWARD

(Passed on 4-5-1999)

The Central Government, Ministry of Labour vide notification No. L-42012/257/90-IR (DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication.

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Satnam Singh S/o Shri Nadar Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2874:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इक्वाइन ब्रीडिंग स्टड, हिसार के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[स. एच-42012/259/90—आई आर . (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dis-

pute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42012/259/90-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 29/97

Kartar Singh S/o Sh. Jag Singh C/o The Presi-
dent, Distt. Agriculture Workers Union,
Gali No. 5, H. No. 123, Jawahar Nagar,
Hissar (Haryana), .. Petitioner.

Vs.

The Commandant, Equine Breeding Stud,
Hissar-125001, .. Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri.

AWARD

(Passed on 4-5-1999)

The Central Government, Ministry of Labour vide notification No. L-42012/259/90-IR (DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication.

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Kartar Singh S/o Sh. Jag Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh.

dated :—4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.अ. 2875:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सब डिवीजनल आफिसर, टेलीग्राफ, जिंद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अतिक्रमण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-40012/90/89-डी. 2 (बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub-Divisional Officer, Telegraph, Jind and their workman, which was received by the Central Government on 17th September, 1999.

[No. L-40012/90/89-D.2(B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

Before Shri B. L. Jatav, Presiding Officer,

Central Govt. Industrial Tribunal-cum-Labour Court,

Chandigarh

Case No. ID 23/90

Mahabir Singh son of Shri Kirori Mal village and Post Office Sanga, District Bhiwani, Haryana.

.. Workman.

versus

Sub Divisional Officer,
Telegraph,
Jind, Haryana.

.. Management.

REPRESENTATIVES

For the workman : Shri Pawan Bansal.

For the management : Shri J. P. Bhat.

AWARD

(GIVEN ON 9th March 1999)

The Central Govt. vide its letter No. L-40012/90/89-D-2(B) dated 31st January, 1990 has referred the following dispute to this Tribunal for adjudication :

‘Whether the action of the Sub Divisional Officer, Telegraph, Jind, in terminating the services of Shri Mahabir Singh son of Shri Kirori Mal Casual worker w.e.f. 1-6-1987 is just, fair and legal? If not so what relief the workman concerned is entitled to?’

2. The claim of the workman is in brief that he was engaged by the management as lineman/workman on 8-6-86. He had continuously worked under the management till 31-5-1987 and his services were terminated w.e.f. 1-6-1987 by the management without giving any show cause notice and any prior information. The workman had completed more than 240 days in the service of the management. He was a regular employee of the management. No retrenchment compensation was given to him. As such the termination of the services of the workman was against the provisions of Section 25-F of the I.D. Act. The action of the management was unjust, unfair and illegal. Therefore, the workman be allowed to be reinstated with continuity of service and

full backwages.

3. The case of the management is that the workman was engaged as casual labourer on daily wages on account of construction work at Jind. He was not engaged through employment exchange. He had not worked for 240 days in the preceding 12 calendar months and thus he had not worked continuously for one year from the date of his employment. The workman was never appointed through any appointment letter. He was simply a daily wages mazdoor. His services were not terminated by the management. He himself remained absent from 1-6-1987 without information. He is not entitled to get any relief under the provisions of Section 25-F of the I.D. Act 1947. His claim deserves to be dismissed.

4. It is an admitted fact that the workman remained in the service of the Telegraph department Jind but the number of days are disputed in this case.

5. The workman has filed his affidavit Ex. W1 alongwith the certificate Ex. W2 issued by the Sub Divisional Officer Telegraph Jind. This certificate indicates that the workman had completed more than 240 days during the period of 12 preceding months from the date of termination i.e. 1-6-87. The workman has deposed that he was employed as lineman/workman on 8-6-86 and worked upto 31-5-1987. His services were terminated on 1-6-1987 without giving any notice of his termination. The act of the management as thus was unfair and illegal with reference to Section 25-F of the I.D. Act 1947. The witness of the management Shri C. J. Ahuja (Sub Divisional Engineer Jind) has deposed that the workman was engaged as casual labour on daily wages on account of construction work at Jind. His services was not terminated w.e.f. 1-6-87. Daily wages Madoors are not appointed or terminated. They are enrolled on muster roll as and when their services are required in the department. The workman himself remained absent from 1-6-1987 without information. In his cross-examination, the witness of the management has deposed that the certificate Ex. W2 is a fake document. The signature on this document is also forged and fake. But his testimony can not be relied upon. The certificate Ex. W2 has been issued by SDO (Telecom) Jind. If the details given in the certificate are forged the management was free to submit its record for the consideration of the Tribunal. It has also been admitted by the said witness that the work order for the month of April and May 1987 are correct, which have been mentioned in the Ex. W2. Thus he has admitted the truthfulness of Ex. W2. The witness of the management is false to some extent. Therefore, his oath can not be relied upon in respect of termination of the services of the workman. The testimony of the workman that his services were terminated on 1-6-1987 is reliable. It has been admitted in the affidavit of the management's witness that no notice or retrenchment compensation was given to the workman prior to 1-6-1987. Thus it is evident that the workman had completed 240 days prior to 1-6-1987 even though the management did not comply with the provisions of Section 25-F of the I.D. Act 1947. Therefore, the termination of the workman is unjust, unfair and illegal. Consequently he is entitled to be reinstated w.e.f. 1-6-1987 with continuity of service.

6. The workman has claimed back wages in his claim statement but he has not said anything regarding his unemployment in claim statement and in his affidavit. In his cross-examination he has admitted that he has been doing work after his termination and earning his livelihood. Consequently he is not entitled to get the back wages from the date of his termination.

7. On the basis of the reasons given above, the reference is answered that the action of the Sub Divisional Officer, Telegraph Jind in terminating the services of Shri Mahabir Singh son of Shri Kirori Mal Casual worker w.e.f. 1-6-1987 is not just, fair and legal. The management is directed to reinstate the workman w.e.f. 1-6-1987 alongwith the continuity of his service. But the workman shall not be entitled to get the back wages. The cost of both the parties shall be borne by the management. The workman shall get cost of Rs. 1000/- from the management. Appropriate Govt. be informed.

Chandigarh.

9-3-1999,

B. L. JATAV, Presiding Officer

नई दिल्ली, १७ सितम्बर, १९९९

का.आ. २८७६:—औद्योगिक विवाद अधिनियम, १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को १७-९-९९ को प्राप्त हुआ था।

[सं. एल-४००१२/४/९१-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Deptt. of Post and their workman, which was received by the Central Government on 17-9-99.

[No. L-40012/4/91-IR(DU)]
KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. ID 148/91

Naresh Kumar son of Shri Prem Chand
C/o President,
District Agricultural Workers Union,
Village Kheri Barki, Hissar,
Haryana.

.. Workman

Versus

Post Master,
Main Post Office,
Hissar (Haryana).

.. Management

REPRESENTATIVES

For the workman — Shri Darshan Singh.

For the management—Shri S. D. Bhatia.

AWARD

(PASSED ON 8th March 1999)

The Central Government vide its letter No. L-40012/4/91-IR(DU-3) dated 9th of October 1991 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Post Office relating to their Head Post Office, Hissar in terminating the services of Shri Naresh Kumar son of Shri Prem Chand casual worker w.e.f. 13-7-1988 is just, fair and legal? If not, to what relief the worker concerned is entitled to?"

2. The claim of the workman in brief is that he was appointed as peon on 10-4-1987 by the management and he worked up to 14-8-1988. The scale of the post was Rs. 300-10-430 which was subsequently revised Rs. 750-940 w.e.f. 1-1-1986. The services of the workman were terminated without complying the provisions of Section 25 F of the I.D. Act 1947. No notice was given to the workman. His conduct was found satisfactory. Therefore, the termination of the services was illegal. He deserves to be reinstated with back wages in the above mentioned time scale alongwith the continuity of service.

3. The management has filed written statement raising preliminary objection that post master is neither juristic person

nor a necessary party to this reference. Post Master is not covered under the definition of 'Industry', therefore, the reference is not maintainable. It is also averred in the written statement that the workman was never appointed as peon. He was deployed from time to time against leave vacancy on daily wages. He was not put in time scale of the post of the peon. His employment was purely contractual, therefore, the provisions of the Industrial Disputes Act 1947 do not apply, consequently the claim of the workman be dismissed in toto.

4. The workman has filed his affidavit stating therein that he was employed as a peon in post office Hissar on 10-4-87 and worked up to 14-7-1988. His services were terminated without giving any notice and charge sheet. He was disengaged from service illegally. The management has filed affidavit of S. D. Bhatia Inspector Post Office Hissar. He has deposed that the workman was not appointed as a peon. He was deployed from time to time against leave vacancy on purely adhoc basis and on daily wages. His employment was not in accordance with service rules but was purely a local arrangement. Therefore, the workman does not deserves to get the benefit of the provisions of Industrial Disputes Act 1947, which are not applicable in the case.

5. Now the question arises, who should be relied on in deciding the controversy between the parties. The workman has filed his affidavit. He was directed to remain present in the Court for his cross-examination by the management but he remained absent. Consequently, the management could not cross-examine the workman. Rule 10-B, sub rule-6 of Industrial Disputes (Central) Rule 1957 provide that in case of affidavit filed by the party, the opposite party shall have the right to cross examine each of deponent filling the affidavit. In this case the management had not any opportunity to cross-examine the workman because of his absence. Therefore, the affidavit of the workman can not be considered in this case. The affidavit of S. D. Bhatia Inspector Post Office remained uncontroverted. He has deposed in this cross-examinations that the workman was employed on daily wages basis in the leave arrangement and his services were never terminated because he was working in the leave vacancy. He has denied the suggestion that the workman rendered 379 days of continuous service in preceding 12 calendar months. It was the duty of the workman to prove that he had worked 240 days within a period of preceding 12 calendar months. Therefore, the provisions of Section 25-F of I.D. Act 1947 do not apply in this case. Keeping in this view the evidence adduced in the case the claim of the workman deserves to be dismissed in toto. The disengagement of the workman w.e.f. 13-7-1988 can not be said to be unjust, unfair and illegal. To prove this fact, the burden was on the workman. He has not discharged the burden. Therefore, he is not entitled to get any relief sought in the claim statement.

6. In the light of the discussions made above, it is found that the action of the management of Post Office, relating to their Head Post Office, Hissar in terminating the services of Shri Naresh Kumar son of Shri Prem Chand casual worker w.e.f. 13-7-1988 is just fair and legal and workman is not entitled to any relief whatsoever. Appropriate Government be informed.

Chandigarh.

8-3-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, १७ सितम्बर, १९९९

का.आ. २८७७:—औद्योगिक विवाद अधिनियम, १९४७ (१९४७ का १४) की धारा १७ के अनुसरण में केन्द्रीय सरकार इन्वार्डन बिल्डिंग स्टड, हिसार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को १७-९-९९ को प्राप्त हुआ था।

[सं. एल-४२०१२/२६२/९१-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/262/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 32/97

Sh. Gurcharan Singh S/o Pyara Singh, C/o The President, Distt. Agriculture Workers Union, Gali No. 5, H. No. 123, Jawahar Nagar, Hissar (Haryana)-125 001.

.. Petitioner

Vs.

The Commandant, Equine Breeding Stud, Hissar-125 001. .. Respondent

REPRESENTATIVE :

For the workman.—None.

For the management.—Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Govt. Ministry of Labour vide Notification No. L-42012/262/90-IR (DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication.

"Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the I. D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services Sh. Gurcharan Singh S/o Sh. Pyara Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled?"

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Govt. be informed.

B. L. JATAV, Presiding Officer

Chandigarh,
4-5-99.

नई दिल्ली, 17 सितम्बर, 1999

का. प्र. 2878 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इक्वाइन ब्रीडिंग स्टड, हिसार के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/263/90—आई. प्रार. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/263/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. 50/97

Shri Makhan Singh S/o Sh. Nadar Singh C/o The President Distt. Agriculture Workers Union, Gali No. 5, H. No. 123, Jawahar Nagar, Hissar-125 001.

.. Petitioner

Vs.

The Commandant, Equine Breeding Stud, Hissar-125 001.

... Respondent

REPRESENTATIVES :

For the Workman.—None.

For the management.—Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Govt. Ministry of Labour vide Notification No. L-42012/263/90 IR(DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication :

"Whether the activities of the Equine Breeding Stud, Hissar constitute to be that of an Industry under the I.D. Act, and if so whether the action of the management of Equine

Breeding Stud, Hissar in terminating the services of Sh. Makhan Singh S/o Nadar Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

4. Despite repeated registered notice, none has put-up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Govt. be informed.

Chandigarh
4-5-99.

B. L. JATAV, Presiding Officer
नई दिल्ली, 17 सितम्बर, 1999

का.प्र. 2879.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सलाल हाइड्रो इलेक्ट्रिक प्रोजेक्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 17-9-99 को प्राप्त हुआ था।

[सं. एल-42011/30/90-आई.प्रार. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2879.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Salal Hydroelectric Project and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42011/30/90-IR(DU)]

KULDIP RAJ VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 154 of 1990

The Secretary,

All India, N.H.P.C. Employees and
Workers Council (Regd.) Unit Salal
Project, Jyotipuram, 182 312
Distt. Udhampur, Teh. Reasi (J&K).

... Petitioner

Vs.

The Chief Engineer,
Salal Hydroelectric Project,
2825 GI/99—18

Jyotipuram, Distt. Udhampur

Teh. Reasi (J&K)-182 312.

.. Respondent

REPRESENTATIVE:

For the workmen : None.

For the management : Shri V. K. Gupta.

AWARD

(Passed on 10th March, 1999)

The Central Govt. Ministry of Labour vide Notification No. L-42011/30/90-IR (DU) dated 16th October 1990 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of SHEP represented through the Chief Engineer, and Director (Personnel), NHPC in denying payment of honararium to the staff is justified? If not, what relief the workmen are entitled to?"

"Whether the action of the management of Salal Hydroelectric Project, Jyotipuram represented by the Chief Engineer and Director Personnel NHPC in not regularising one day mass casual leave of 3-7-89 of the para medical staff is justified? If not, what relief the workmen are entitled to?"

"Whether the action of the management of the Chief Engineer, SHEP and Director Personnel, NHPC in no regularising the services of para medical staff of work charged cadre is justified? If not, what relief the workmen concerned are entitled to and with what effect?"

"Whether the action of the management of Salal Hydroelectric Project, Jyotipuram represented through the Chief Engineer and Director Personnel, NHPC in denying rectification of wrong nationalisation in pay scales to all categories of employees of the Project is justified? If not, what relief the workmen concerned are entitled to?"

"Whether the action of the management of Salal Hydroelectric Project, Jyotipuram represented through the Chief Engineer and Director Personnel NHPC Ltd. in introducing pay scale of Rs. 225-308/- in respect of work-charged cadre w.e.f. 1-1-88 is justified? If not, what relief the workmen are entitled to and from what date?"

"Whether the action of the management of Salal Hydroelectric Project, Jyotipuram represented through Chief Engineer and Director Personnel, NHPC Ltd. by ignoring the Mate and Greaser from their line of promotion to pay scale of Rs. 210-250 and merging them with the Helpers w.e.f. 1-1-88 is justified? If not, what relief the workmen concerned are entitled to and with what effect?"

“Whether the action of the management of Salal Hydroelectric Project Jyotipuram represented through the Chief Engineer and Director Personnel, NHPC in denying pay scale of Rs. 330-560 to I.T.I. holders at induction level is justified? If not, what relief the workmen are entitled to?”

“Whether the action of the management of Salal Hydroelectric Project, Jyotipuram represented through the Chief Engineer and Director Personnel NHPC Ltd. in denying allotment of quarters to the workmen of the Project on seniority-cum-entitlement basis justified? If not, what policy should be adopted and with what effect?”

2. Despite several notices none appeared on behalf of workman/Union. It appears that Union is not interested to pursue with the present reference. Since the Union is not interested to pursue with the present reference, so the same is returned to the Appropriate Govt. for want of prosecution.

B. L. JATAV, Presiding Officer

Chandigarh.

Camp at Jammu.

10-3-1999

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2880:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. रिचर्डसन एण्ड क्रुड्डस लिमिटेड के प्रबंधन के संबंध निगोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 प्राप्त हुआ था।

[सं. एल-42011/31/98—आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2880.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2 Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Richardson & Cruddas Ltd. and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42011/31/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/153 of 1998

Employers in relation to the management of The Genl. Manager (IR), M/s. Richardson and Cruddas Ltd., Byculia Iron Works, Byculia, Mumbai-8

AND

Their Workmen

The President, Association of Engineering Workers, 252, Janta Colony, Ramnarayan Narkar Marg, Ghatkopar (East) Mumbai-77

APPEARANCES :

For the Employer : Mr. S. Z. Choudhary, Advocate.

For the Workmen : Mr. Abhay Kulkarni and Mrs. Pooja Kulkarni Advocates.

Mumbai, dated 27th August, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-42011/31/98/IR (DU) dtd. 18-11-98, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of M/s. Richardson and Cruddas (1972) Ltd., Mumbai by illegally terminating the services of Shri Ravindra More is legal and justified? If not, to what relief the workman is entitled?”

2. The Association filed a Statement of Claim at Exhibit-6.

3. The Management did not file a written statement.

4. The workman filed his affidavit at Ex-13. But when the matter was for cross-examination the parties filed an application (Ex-17). It is informed to the Tribunal by the said application that the matter is settled and the Award may be passed in terms of the settlement dtd. 27-8-99. It was read and recorded. In view of the settlement I pass the following order :—

ORDER

1. The reference is disposed off as settled,
2. Annexure-‘A’ to Exhibit-17, the terms of the settlement is a part of the Award.

S. B. PANSE, Presiding Officer

ANNEXURE

BEFORE THE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2 AT MUMBAI

Reference No. CGIT/2/153 of 1998

BETWEEN

M/s. Richardson & Cruddas (1972) Ltd.,

AND

Their Workmen

May it please this Hon'ble Tribunal :—The industrial dispute referred to this Hon'ble Court for adjudication has been settled between the parties vide settlement dated 27-8-99, copy whereof is hereto annexed and marked as Annexure "A".

It is prayed by the parties that the above reference may please be disposed of in terms of settlement dated 27-8-99.

For Richardson & Cruddas (1972) Ltd.,

SHIVAJI GUNJAL, Dy. General Manager (P&A)

RAVINDRA Y. MORE, Workman

S. Z. Chowdhury,

Advocate for the Company.

Abhay Kulkarni,

Advocate for the workman.

ANNEXURE

MEMORANDUM OF SETTLEMENT UNDER
SECTION 2(F) OF THE INDUSTRIAL
DISPUTE ACT, 1947

NAMES OF THE PARTIES :

M/s. Richardson & Cruddas (1972) Ltd.,

(hereinafter referred to as "the Company")

a Company incorporated under the Companies
Act having its Registered Office at

Sir J. J. Marg, Byculla, Mumbai-400 008.

AND

Mr. Ravindra Y. More

(hereinafter referred to as "the workman")

SHORT RECITAL

Whereas services of the workman were terminated with effect from 23-6-97 pursuant to the departmental enquiry held against him into the charge-sheet dated 19-11-95.

And whereas the workman has challenged termination of his services by raising an Industrial Dispute under the provisions of the Industrial Disputes Act, 1947.

And whereas, the Appropriate Government has referred the said dispute for adjudication to the Hon'ble Central Government Industrial Tribunal No. 2 at Mumbai.

And whereas, during pendency of the said Industrial Dispute the parties have negotiated and settled the said Industrial Dispute on following terms :

TERMS OF SETTLEMENT

- (a) The workman shall resign from employment of the Company with effect from 31st July, 1999 under the Voluntary Retirement Scheme introduced by the Company;

- (b) The Company shall accept resignation of the workman with effect from 31st July, 1999 under the said Voluntary Retirement Scheme;
- (c) The period of employment for computation Gratuity and Compensation payable under the said Voluntary Retirement Scheme shall be from 24-9-1981 to 31-7-99;
- (d) The workman shall in addition be paid gratuity in accordance with the provisions of the Payment of Gratuity Act, 1972;
- (e) The workman shall in addition be paid an ad-hoc ex-gratia amount of Rs. 1,75,000 which includes leave wages for the days of balance of leave with wages to his credit as on the date of dismissal & Leave Travel Allowance as admissible on that date;
- (f) Accordingly, the Company shall pay to the workman following amounts :

	Rs.
Notice Pay under VRS	6,629.00
Compensation under VRS	1,69,052.00
Gratuity	68,845.00
ad-hoc Ex-gratia	1,75,000.00
Total	4,19,526.00

- (g) The workman shall not be entitled to any other payment than the payments mentioned in Clause No. (f) above.
- (e) The agreed amount payable to the workman under this settlement is Rs. 4,19,536.00 which shall be paid to the workman on or before 30-9-99.
- (f) On receipt of the said sum of Rs. 4,19,526.00 from the Company, the workman shall not have any claim of whatsoever nature against the Company including any monetary claim and/or claim for reinstatement and/or re-employment.
- (g) In view of aforesaid terms and conditions, the parties to the reference shall pray the Hon'ble Central Government Industrial Tribunal No. 2 to dispose of the said reference in terms of this settlement.

This settlement is signed at Mumbai in this 27th day of August, 1999.

FOR RICHARDSON & CRUDDAS (1972) Ltd.,
SHIVAJI GUNJAL, Dy. General Manager (P&A)

RAVINDRA Y. MORE, Workman

S. Z. Chowdhury,

Sd/-

Advocate for the Company.

Sd/-

Abhay Kulkarni,

Advocate for the workman.

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2881:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. रिचर्डसन एण्ड क्रुड्डास लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/85/98—आई.आर. (डीयू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2881.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Richardson & Cruddas Ltd., and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42012/85/98-IR(DU)]

KULDIP RAJ VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/106 of 1998

Employers in relation to the management of The
Genl. Manager (IR), M/s. Richardson and
Cruddas Ltd.,

Byculla Iron Works, Byculla, Mumbai-400 008.

AND

Their Workmen

The President, Association of Engineering Workers, 252, Janta Colony, Ramnarayan Narker Marg, Ghatkopar (East), Mumbai.

APPEARANCES :

For the Employer : Mr. S. Z. Choudhary, Advocate.

For the Workmen : Mr. Abhay Kulkarni and Mrs. Pooja Kulkarni Advocates.

Mumbai, dated 27th August, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/85/98/IR(DU), dtd. 11-8-98, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of M/s. Richardson & Cruddas (1972) Ltd., Mumbai

by illegal terminating the service of workman Sh. Chandrashekar D. Shetye is legal and justified ? If not, to what relief the workman is entitled to ?"

2. The Association filed a Statement of Claim at Exhibit-7.

3. The Written statement was not filed.

4. The workman filed his affidavit at Ex-16.

5. The issues are framed at Exhibit-11.

6. When the matter was for cross-examination the parties filed an application (Exhibit-19) informing the Tribunal that the matter is settled out of court. It was read and recorded. The parties prayed that the Award may be passed in terms of the settlement dtd. 27-8-99. Hence I pass the following order :—

ORDER

The reference is disposed off as settled. Annexure 'A' to Exhibit-19 the terms of the settlement is a part of the Award.

S. B. PANSE, Presiding Officer

ANNEXURE

BEFORE THE HON'BLE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL.
NO. 2 AT MUMBAI

Reference No. CGIT-2/106 of 1998
BETWEEN

M/s. Richardson & Cruddas (1972) Ltd.,

AND

Their Workmen

May it please this Hon'ble Tribunal : The industrial dispute referred to this Hon'ble Court for adjudication has been settled between the parties vide settlement dated 27-8-99, copy whereof is hereto annexed and marked as Annexure "A".

It is prayed by the parties that the above reference may please be disposed of in terms of settlement dated 27-8-99.

For RICHARDSON & CRUDDAS (1972) Ltd.,

SHIVAJI GUNJAL, Dy. General Manager
(P&A)

CHANDRASHEKHAR D. SHETYE, Workman

S. Z. Chowdhary,

Sd/-

Advocate for the Company.

Sd/-

Abhay Kulkarni,

Advocate for the Workman.

ANNEXURE 'A'

MEMORANDUM OF SETTLEMENT UNDER
SECTION 2(P) OF THE INDUSTRIAL
DISPUTES ACT, 1947

NAMES OF THE PARTIES

M/s. Richardson & Cruddas (1972) Ltd.,

(hereinafter referred to as "the Company")

a Company incorporated under the Companies Act having its Registered Office at

Sir J. J. Marg, Byculla, Mumbai-400 008

AND

Mr. CHANDRASHEKHAR D. SHETYE
(hereinafter referred to as "the workman")

SHORT RECITAL

Whereas services of the workman were terminated with effect from 23-6-97 pursuant to the departmental enquiry held against him into the charge-sheet dated 22-1-96.

And whereas, the workman has challenged termination of his services by raising as Industrial Dispute under the provisions of the Industrial Disputes Act, 1947.

And whereas, the Appropriate Government has referred the said dispute for adjudication to the Hon'ble Central Government Industrial Tribunal No. 2 at Mumbai.

And whereas, during pendency of the said Industrial Dispute, the parties have negotiated and settled the said Industrial Dispute on following terms :

TERMS OF SETTLEMENT

- The workman shall resign from employment of the Company with effect from 31st July, 1999 under the Voluntary Retirement Scheme introduced by the Company.
- The Company shall accept resignation of the workman with effect from 31st July, 1999 under the said Voluntary Retirement Scheme;
- The period of employment for computation Gratuity and Compensation payable under the said Voluntary Retirement Scheme shall be from 16-4-1985 to 31-7-99.
- The workman shall in addition be paid gratuity in accordance with the provisions of the Payment of Gratuity Act, 1972;
- The workman shall in addition be paid an ad-hoc ex-gratia amount of Rs. 1,55,000/- which includes leave wages for the days of balance of leave with wages to his credit as on the date of dismissal & Leave Travel Allowance as admissible on that date;
- Accordingly, the Company shall pay to the workman following amounts :-

	Rs.
Notice Pay under VRS	6,598.00
Compensation under VRS	1,38,564.00
Gratuity	53,294.00
ad-hoc Ex-gratia	1,55,000.00
Total	3,53,456.00

(g) The workman shall not be entitled to any other payment than the payments mentioned in Clause No. (f) above.

(h) The agreed amount payable to the workman under this settlement is Rs. 3,53,456.00 which shall be paid to the workman on or before 30-9-99.

(i) On receipt of the said sum of Rs. 3,53,456 from the Company, the workman shall not have any claim of whatsoever nature against the Company including any monetary claim and/or claim for reinstatement and/or re-employment.

(j) In view of aforesaid terms and conditions, the parties to the reference shall pray the Hon'ble Central Government Industrial Tribunal No. 2 to dispose of the said reference in terms of this settlement.

This settlement is signed at Mumbai in this 27th day of August, 1999.

FORE RICHARDSON & CRUDDAS (1972) Ltd.,
SHIVAJI GUNJAL, Dy. General Manager (P&A)
CHANDRASHEKHAR D. SHETYE, Workman

S. Z. Chowdhary,

Sd/-

Advocate for the Company.

Sd/-

Abhay Kulkarni,

Advocate for the Workman.

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2882:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन एग्रीकल्चरल रिसर्च इंस्टीट्यूट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/187/95-आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2882.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of India Agricultural Research, Institute and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/187/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT., INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,

CHANDIGARH

Case No. I.D. 101/97

Smt. Krishna Rani

C/o General Secretary

Agriculture Engg. Mazdoor Sangh
through Bharatiya Mazdoor Sangh

Office, Arjun Gate, Karnal.

.. Petitioner.

Vs.

Adhyaksh,

Indian Agricultural Research Instt.,

Regional Station No. 1,

Karnal.

...Respondent.

REPRESENTATIVE :

For the workman:--None.

For the management:--Shri Sham Sunder.

AWARD

(Passed on 5th May, 1999)

The Central Govt., Ministry of Labour vide Notification No. L-42012/187/95-I.R. (D.U.) dated 30th January, 1997 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Indian Agricultural Research Institute in terminating the service Smt. Krishna Rani is just and fair? If not, to what relief she is entitled to?"

2. Today the case was fixed for filing of claim statement by the workman. Despite several notices to the representatives of the workman, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In the circumstances of the present case, the reference is returned to the Appropriate Govt. for want of prosecution. Appropriate Govt. be informed.

Chandigarh.

5-5-1999.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.ग्रा. 2883:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इक्वाएन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

प्रधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/206/90-ग्राह.भार. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/206/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT., INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 41/97

Sh. Hoshiar Singh S/o Lukhhir Singh C/o President Distt. Agriculture Workers Union, Gali No 5, H. No. 123, Jawahar Nagar, Haryana-125001.

.. Petitioner

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001.

.. Respondent.

REPRESENTATIVES :

For the workman:--None.

For the management:--Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Govt., Ministry of Labour vide Notification No. L-42012/206/90-IR(DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication :

"Whether the activities of the Equine Breeding Stud, Hissar constitute to be that of an Industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Hoshiar Singh S/o Sh. Lukhhir Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breed Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Govt. be informed.

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2884 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाएन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चन्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/213/90-आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2884.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/213/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

CHANDIGARH

Case No. I.D. 5/97

Sh. Surjeet Singh S/o Sh. Kishan Singh C/o The President, Distt. Agriculture Workers Union, Gali No. 5, H. No. 123, Jawahar Nagar, Haryana-125001.

.. Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001.

.. Respondent.

REPRESENTATIVES:

For the Workman—None.

For the Management.—Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Govt., Ministry of Labour vide Notification No. L-42012/213/90-IR(DU) dated 3-12-1996 has referred the following dispute to this Tribunal for adjudication:

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Surjeet Singh S/o Sh. Kishan Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Govt. Be informed.

Chandigarh.

4-5-1999.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2885 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाएन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चन्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/217/90-आई.आर. (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/217/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT., INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. ID 9/97

Kishan Singh S/o. Janga Singh C/o The President
Distt. Agriculture Workers Union, Gali
No. 5, H. No. 123, Jawahar Nagar, Hissar.
.. Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar.
.. Respondent.

REPRESENTATIVES:

For the workman—None.

For the Management.—Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Govt. Ministry of Labour vide Notifi-
cation No. L-42012/217/90-IR(DU) dated 3-12-96
has referred the following dispute to this Tribunal for
adjudication:

“Whether the activities of the Equine Breeding
Stud, Hissar, constitute to be that of an
Industry under the ID Act, and if so whether
the action of the management of Equine
Breeding Stud, Hissar in terminating the
services of Sh. Kishan Singh S/o Janga
Singh daily rated worker is just, fair and
legal and whether the action of the manage-
ment of Equine Breeding Stud, Hissar in
denying equal wages for equal work to the
workman is just and fair? If not, to what
relief the workman concerned is entitled
to?”

Despite repeated registered notices, none has put up
appearance on behalf of the workman. It appears that
workman is no longer interested to pursue with the
present reference. In view of the above, the present re-
ference is returned unanswered for want of prosecution.
Appropriate Govt. be informed.

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2886.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय
सरकार इक्विन ब्रिडिंग स्टड, हिसार के प्रबन्धन के
संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध
में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्यो-
गिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती

है जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ
था।

[सं. एल-42012/214/90-आई आर/(डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2886.—In pursuance of Section 17 of the In-
dustrial Disputes Act, 1947 (14 of 1947), the Central
Government hereby publishes the Award of the Central
Government Industrial Tribunal, Chandigarh as shown
in the Annexure, in the industrial dispute between the
employers in relation to the management of Equine
Breeding Stud, Hissar and their workman, which was
received by the Central Government on 17-9-99.

[No. L-42012/214/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT., INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 6/97

Kashmir Singh S/o Sh. Kartar Singh C/o The
President, Distt. Agriculture Workers Union
Gali No. 5 H. No. 123, Jawahar Nagar
Hissar—(Hry.)-125001.
.. Petitioner.

Vs.

The Commandant, Equine Breeding Stud,
Hissar-125001.
.. Respondent

REPRESENTATIVES:

For the workman—None.

For the management—Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Govt., Ministry of Labour vide Notifi-
cation No. L-42012/214/90-IR(DU) dated 3-12-1996
has referred the following dispute to this Tribunal for
adjudication:

“Whether the activities of the Equine Breeding
Stud, Hissar, constitute to be that of an In-
dustry under the I.D. Act and if so whether
the action of the management of Equine
Breeding Stud, Hissar in terminating the
services of Shri Kashmir Singh S/o. Sh. Kartar
Singh daily rated worker is just, fair and
legal and whether the action of the manage-
ment of Equine Breeding Stud, Hissar in
denying equal wages for equal work to the
workman is just and fair? If not, to what
relief the workman concerned is entitled to?”

Despite repeated Regd. notices none has put up appearance on behalf of the workman. It appears that workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Govt. be informed.

Chandigarh.

4-5-99

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का. आ. 2887.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टुड, हिस्सर के प्रबन्धन के संबंध में निम्नलिखित शर्तों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एन-12012/219/90-आई.आर./ (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/219/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. 15/97

Kashmir Singh S/o Sher Singh C/o The President Distt. Agriculture Workers Union, Gali No. 5 H. No. 123, Jawahar Nagar, Hissar (Haryana)-125001.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001.

REPRESENTATIVES:

For the workman—None.

For the management—Ms. Deepali Puri.

2825 GI/99—19

AWARD

(passed on 4-5-99)

The Central Govt. Ministry of Labour vide Notification No. L-42012/219/90-IR(DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication:

"Whether the activities of the Equine Breeding Stud, Hissar constitute to be that of an Industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Kashmir Singh S/o Sh. Sher Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution.

Appropriate Govt. be informed.

Chandigarh,

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का. आ. 2888.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार श्री. रिचर्डसन एण्ड क्रुड्डस लिमिटेड के प्रबन्धन के संबंध में निम्नलिखित शर्तों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एन-42012/224/98-आई.आर./ (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2888.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Richardson & Cruddas, Ltd. and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/224/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II,
MUMBAI

PRESENT :

SHRI S. B. PANSE, Presiding Officer
REFERENCE NO. CGIT-2/40 OF 1999
Employers in relation to the management of The
General Manager (IR), M/s. Richardson &
Cruddas Ltd.,
Byculla Iron Works,
Byculla, Mumbai-8.

And

Their Workmen.
The President,
Association of Engineering Workers,
252, Janta Colony,
Ramnarayan Nareker Marg,
Ghatkopar (East),
Mumbai-77.

APPEARANCES :

For the Employer—Mr S. Z. Chowdhary, Advocate.

For the Workmen—Mr. Abhay Kulkarni & Mrs.
P. A. Kulkarni, Advocates.

Mumbai, dated 27th August, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-42012/224/98/IR(DU), dated 4-2-99, had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of M/s. Richardson & Cruddas (1972) Ltd., Mumbai by illegally terminating the services of Shri Vilas A. Koyande, is legal and justified ? If not to what relief the workman is entitled ?”

2. The Association filed a Statement of Claim at Exhibit-7. The management filed a Written Statement at Exhibit-8. Thereafter the parties filed a Settlement along with Exhibit-10. It was read and recorded on 27th August, 1999. It is submitted by the parties that the Award may be passed in terms of the settlement and the reference may be disposed off. In the result I pass the following order :—

ORDER

In view of the settlement the reference is disposed off.

Annexure-‘A’ of Exhibit-10 is a part of the Award.

S. B. PANSE, Presiding Officer
EXHIBIT NO. 10

BEFORE THE HON'BLE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 AT
MUMBAI

Reference No. CGIT/2/40 of 1999

BETWEEN :

M/s. Richardson & Cruddas (1972) Ltd.,

And

Their workmen.

MAY IT PLEASE THIS HON'BLE TRIBUNAL :

The industrial dispute referred to this Hon'ble Court for adjudication has been settled between the parties vide settlement dated 27-8-99, copy whereof is hereto annexed and marked as Annexure “A”.

It is prayed by the parties that the above reference may please be disposed of in terms of settlement dated 27-8-99.

For Richardson & Cruddas (1972) Ltd.,

Sd/-

Shivaji Gunjal,

Dy. General Manager (P & A)

Sd/-

VILAS A. KOYANDE,

Workman.

S. Z. Chowdhary,

Advocate for the Company.

Sd/-

Abhay Kulkarni,
Advocate for the workman.

Filed on 27-8-99.

Sd/-

ANNEXURE ‘A’

Stamp Seal

MEMORANDUM OF SETTLEMENT UNDER
SECTION 2(P) OF THE INDUSTRIAL
DISPUTES ACT, 1947

NAMES OF THE PARTIES

M/s. Richardson & Cruddas (1972) Ltd.,
(hereinafter referred to as “the Company”)

a Company incorporated under the Companies
Act having its Registered Office at

Sir J. J. Marg, Byculla, Mumbai-400 008

And

Mr. VILAS ANANT KOYANDE

(hereinafter referred to as “the workman”)

SHORT RECITAL

Whereas services of the workman were terminated with effect from 23-6-97 pursuant to the departmental enquiry held against him into the chargesheet dated 19-11-95.

(d) The workman shall in addition be paid gratuity in accordance with the provisions of the Payment of Gratuity Act, 1972.

- (e) The workman shall in addition be paid an ad-hoc ex-gratia amount of Rs. 2,08,000 which includes leave wages for the days of balance of leave with wages to his credit as on the date of dismissal & Leave Travel Allowance as admissible on that date ;

- (f) Accordingly, the Company shall pay to the workman following amounts :

Notice Pay under VRS	: Rs. 8,453.00
Compensation under VRS	: Rs. 2,91,624.00
Gratuity	: Rs. 1,21,163.00
Ad-hoc Ex-gratia	: Rs. 2,08,000.00

TOTAL Rs. 6,20,240.00

- (g) The workman shall not be entitled to any other payment than the payments mentioned in Clause No. (f) above.
- (h) The agreed amount payable to the workman under this settlement is Rs. 6,20,240.00 which shall be paid to the workman on or before 30-9-99.
- (i) On receipt of the said sum of Rs. 6,20,240.00 from the Company, the workman shall not have any claim of whatsoever nature against the Company including any monetary claim and/or claim for reinstatement and/or re-employment.

And whereas, the workman has challenged termination of his services by raising an Industrial Dispute under the provisions of the Industrial Disputes Act, 1947.

An whereas, the Appropriate Government has referred the said dispute for adjudication to the Hon'ble Central Government Industrial Tribunal No. 2 at Mumbai;

And whereas, during pendency of the said Industrial Dispute, the parties have negotiated and settled the said Industrial Dispute on following terms :

TERMS OF SETTLEMENT

- (a) The workman shall resign from employment of the Company with effect from 31st July, 1999 under the Voluntary Retirement Scheme introduced by the Company.
- (b) The Company shall accept resignation of the workman with effect from 31st July, 1999 under the said Voluntary Retirement Scheme.
- (c) The period of employment for computation Gratuity and Compensation payable under the said Voluntary Retirement Scheme shall be from 1-1-1976 to 31-7-99.
- (d) In view of aforesaid terms and conditions, the parties to the reference shall pray the Hon'ble Central Government Industrial Tribunal No. 2 to dispose of the said reference in terms of this settlement,

This settlement is signed at Mumbai in this 27th day of August, 1999.

For Richardson & Cruddas (1972) Ltd.,

SHIVAJI GUNJAL,

Dy General Manager (P & A)

Vilas Anant Koyande, Workman.

Abhay Kulkarni,

Advocate for the workman.

S. Z. Chowdhary,

Advocate for the Company.

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2889—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्ष्वाकुत ब्रिडिंग स्टड हिसार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्तर्बन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/226/90-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2889.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar, and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42012/226/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

Case No. I.D. 19/97

Darshan Singh S/o, Kashmir Singh C/o the President, Distt. Agriculture Workers of Union, Gali No. 5, H. No. 123, Jawahar Nagar, Hissar (Haryana)-125001. . . Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001. . . Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri.

AWARD

(passed on 4-5-99)

The Central Government Ministry of Labour vide Notification No. L-42012/226/90-IR(DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication :

“Whether the activities of the management of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Darshan Singh S/o Kashmir Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2890.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/227/90-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2890.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar, and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/227/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 48/97

Sh. Jeet Singh S/o Sh. Sampuran Singh C/o The President, Distt. Agriculture Workers Union, Gali No. 5, H. No. 123, Jawahar Nagar, Haryana-125001. . . Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001. . . Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri.

AWARD

(passed on 4-5-99)

The Central Government, Ministry of Labour vide Notification No. L-42012/227/90-IR(DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication :

“Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Sh. Jeet Singh S/o Sh. Sampuran Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?”

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2891.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/229/90-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2891.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar, and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42012/229/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

Case No. I.D. 2/97

Amar Singh S/o Sh. Jeet Singh C/o The President,
Distt. Agriculture Workers Union, Gali
No. 5, H. No. 123, Jawahar Nagar, Hissar
(Haryana)-125001. . . Petitioner

Vs.

The Commandant, Equine Breeding Stud,
Hissar-125001. . . Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri

AWARD

(passed on 4-5-99)

The Central Government, Ministry of Labour
vide Notification No. L-42012/229/90/IR(DU) dated
30-12-96 has referred the following dispute to this
Tribunal for adjudication :

“Whether the activities of the Equine Breeding
Stud, Hissar, constitute to be that of an
Industry under the I.D. Act, and if so
whether the action of the management of
Equine Breeding Stud, Hissar in terminat-
ing the service of Sh. Amar Singh S/o Sh.
Jeet Singh daily rated worker is just, fair
and legal and whether the action of the
management of Equine Breeding Stud,
Hissar in denying equal wages for equal
work to the workman is just and fair? If
not, to what relief the workman concerned
entitled to?”

2. Despite repeated registered notice, none has put
up appearance on behalf of the workman. It appears
that the workman is no longer interested to pursue
with the present reference. In view of the above,
the present reference is returned unanswered for want
of prosecution. Appropriate Government be inform-

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2892.—औद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अनुसरण में,
केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबन्धन
के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध
में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो
केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/230/90-आई आर (डी यू)]

कुलदीप राय, वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2892.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the
Central Government hereby publishes the Award of
the Central Government Industrial Tribunal, Chandigarh
as shown in the Annexure, in the industrial dispute
between the employers in relation to the management
of Equine Breeding Stud, Hissar, and their
workman, which was received by the Central Government
on the 17-9-99.

[No. L-42012/230/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

Case No. I.D. 21/97

Smt. Darma W/o Sh. Amar Singh C/o The
President, Distt. Agriculture Workers
Union, Gali No. 5, H. No. 123, Jawahar
Nagar, Hissar (Haryana)-125001.
. . . Petitioner.

Vs.

The Commandant, Equine Breeding Stud,
Hissar-125001. . . Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri.

AWARD

(passed on 4-5-99)

The Central Government, Ministry of Labour
vide Notification No. L-42012/230/90-IR(DU) dated
30-12-96 has referred the following dispute to this
Tribunal for adjudication :

“Whether the activities of the Equine Breeding
Stud, Hissar, constitute to be that of an
Industry under the I.D. Act, and if so
whether the action of the management of
Equine Breeding Stud, Hissar in terminat-
ing the service of Smt. Darma W/o Sh.
Amar Singh daily rated worker is just, fair

and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2893.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिंसार के प्रबन्ध-तंत्र के संघ नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं एन-42012/231/90-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2893.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar, and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42012/231/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 43/97

Smt. Bindiya W/o Sh. Surjeet Singh C/o the President, Distt. Agriculture Workers Union, Gali No. 5, H. No. 123, Jawahar Nagar, Hissar-Haryana. . . Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001. . . Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Government, Ministry of Labour vide Notification No. L-42012/231/90-IR(DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication :

"Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the I.D. Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Smt. Bindiya W/o Sh. Surjeet Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2894.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिंसार के प्रबन्ध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एन-42012/234/90-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2894.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar, and their workman, which was received by the Central Government on the 17-9-99.

[No. L-42012/234/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

New Delhi, the 17th September, 1999

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

Case No. I.D. 33/97

Smt. Banto W/o Sh. Khajan Singh C/o The
President, Distt. Agriculture Workers
Union, Gali No. 5, H. No. 123, Jawahar
Nagar, Hissar (Haryana)-125001.
... Petitioner.

Vs.

The Commandant, Equine Breeding Stud,
Hissar-125001. ... Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Ms. Deepali Puri.

AWARD

(passed on 4-5-99)

The Central Government, Ministry of Labour
vide Notification No. L-42012/234/90-IR(DU) dated
30-12-96 has referred the following dispute to this
Tribunal for adjudication :

“Whether the activities of the Equine Breeding
Stud, Hissar, constitute to be that of an
Industry under the I.D. Act, and if so
whether the action of the management of
Equine Breeding Stud, Hissar in terminat-
ing the services of Smt. Banto W/o Sh.
Khajan Singh daily rated worker is just,
fair and legal and whether the action of the
management of Equine Breeding Stud,
Hissar in denying equal wages for equal
work to the workman is just and fair? If
not, to what relief the workman concerned
is entitled to?”

2. Despite repeated registered notice, none has put
up appearance on behalf of the workman. It appears
that the workman is no longer interested to pursue
with the present reference. In view of the above,
the present reference is returned unanswered for want
of prosecution. Appropriate Government be inform-
ed.

Chandigarh.
4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2895:—औद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अन्तर्गत में,
केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन
के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध
में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो
केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/236/90-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

S.O. 2895.—In pursuance of Section 17 of the Industrial
Disputes Act, 1947 (14 of 1947), the Central Government
hereby publishes the Award of the Central Government
Industrial Tribunal Chandigarh as shown in the Annexure,
in the industrial dispute between the employers in relation
to the management of Equine Breeding Stud, Hissar and their
workman, which was received by the Central Government
on 17-9-99.

[No L 42012/236/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 55/97

Shri Satnam Singh S/o Shri Jodha Singh, C/o The
President, District Agriculture Workers Union, Gali
No. 5, H. No. 123, Jawahar Nagar, Hissar
(Haryana)-125001. ... Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001.
... Respondent.

REPRESENTATIVES :

For the Workman : None.

For the Management : Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Government, Ministry of Labour vide Noti-
fication No. L-42012/236/90-IR(DU) dated 30-12-96 has re-
ferred the following dispute to this Tribunal for adjudication :

“Whether the activities of the Equine Breeding Stud,
Hissar, constitute to be that of an Industry under
the ID Act, and if so whether the action of the
management of Equine Breeding Stud, Hissar in
terminating the service of Shri Satnam Singh S/o
Shri Jodha Singh daily rated worker is just, fair
and legal and whether the action of the management
of Equine Breeding Stud, Hissar in denying equal
wages for equal work to the workman is just and
fair? If not, to what relief the workman concerned
is entitled to?”

2. Despite repeated registered notice, none has put
up appearance on behalf of the workman. It appears that
the workman is no longer interested to pursue with the present
reference. In view of the above, the present reference is
returned unanswered for want of prosecution. Appropriate
Government be informed.

Chandigarh :

4-5-1999.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2896:—औद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अन्तर्गत में,
केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन
के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध
में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है,
जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल- 42012/237/90-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/237/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 22/97

Jaswant Singh S/o Jagar Singh, C/o The President,
District Agriculture Workers Union, Gali No. 5,
H. No. 123, Jawahar Nagar, Hissar (Haryana)-
125001. ...Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001.
...Respondent.

REPRESENTATIVES:

For the Workman: None.

For the Management: Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Government, Ministry of Labour vide Notification No. L-42012/237/90-IR(DU) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication:

"Whether the activities of the Equine Breeding Stud, Hissar constitute to be that of an Industry under the ID Act, and if so, whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Jaswant Singh S/o Shri Pagar Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice none has put-up appearance on behalf of the workman. It appears that workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh:

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का. आ. 2897.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड हिसार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/241/90-आई आर/(डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2897.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/241/90-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 61/97

Shri Gurmail Singh S/o Shri Jagar Singh, C/o The
President, District Agriculture Workers Union, Gali
No. 5, H. No. 123, Jawahar Nagar, Hissar (Haryana)-
125001. ...Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001.
...Respondent.

REPRESENTATIVES:

For the Workman: None.

For the Management: Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Government, Ministry of Labour vide Notification No. L-42012/241/90-IR(DU) dated 30-12-96 has referred the following dispute to this Tribunal for adjudication:

"Whether the activities of the Equine Breeding Stud, Hissar constitute to be that of an Industry under the ID Act, and if so, whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Gurmail Singh S/o Shri Jagar Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice, none has put-up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh:

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर 1999

का. आ. 2898.—औद्योगिक विवाद अधिनियम, 1947 (1947 की 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/245/90-आई आर (डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2898.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/245/90-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT CHANDIGARH

Case No. I.D. 65/97

Shri Surjeet Singh S/o Shri Jagat Singh, C/o the President, District Agriculture Workers Union, Gali No. 5, H. No. 123, Jawahar Nagar, Hissar (Haryana)-125001. ...Petitioner

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001. ...Respondent.

REPRESENTATIVES:

For the Workman: None.

For the Management: Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Government, Ministry of Labour vide Notification No. L-42012/245/90-IR(DU) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication:

"Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the ID Act, and if so, whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Surjeet Singh S/o Shri Jagat Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice, none has put-up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh:

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2899.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/248/90-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

2825 GI/99-20

New Delhi, the 17th September, 1999

S.O. 2899.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17-9-99.

[No. L-42012/248/90-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 68/97

Shri Gurnam Singh S/o Shri Bakhtawar Singh, C/o The President, District Agriculture Workers Union, Gali No. 5, H. No. 123, Jawahar Nagar, Hissar (Haryana). 125001. ...Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001. ...Respondent.

REPRESENTATIVES:

For the Workman: None.

For the Management: Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Government, Ministry of Labour vide Notification No. L-42012/248/90-IR(DU) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication:

"Whether the activities of the Equine Breeding Stud, Hissar constitute to be that of an Industry under the I.D. Act, and if so, whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Gurnam Singh S/o Shri Bakhtawar Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice, none has put-up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh:

4-5-99.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का.आ. 2900.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इक्वाइन ब्रिडिंग स्टड, हिसार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/253/90-आई आर (डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2900.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17th September, 1999.

[No. L-42012/253/90-IR(DU)]
KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 24/97

Balbir Singh S/o Bishan Singh C/o The President, Distt.
Agriculture Workers Union, Gali No. 5, H. No. 123, Jawahar
Nagar, Hissar.

.. Petitioner

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001.

.. Respondent

REPRESENTATIVES:

For the Workman : None.
For the Management : Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Govt. Ministry of Labour vide Notification No. L-42012/253/90-IR(DU) dated 30-12-1996 has referred the following dispute to this Tribunal for adjudication.

"Whether the activities of the Equine Breeding Stud, Hissar constitute to be that of an Industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Balbir Singh S/o Shri Bishan Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 17 सितम्बर, 1999

का.प्र. 2901.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इक्वाइन ब्रीडिंग स्टड, हिस्सर के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-42012/254/90-आई आर (डीयू)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2901.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Equine Breeding Stud, Hissar and their workman, which was received by the Central Government on 17th September, 1999.

[No. L-42012/254/90-IR(DU)]
KULDIP RAI VERMA, Desk Officer
ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 25/97

Gurdev Singh S/o Sb, Sohan Singh C/o The President, Distt.
Agriculture Workers Union, Gali No. 5, H. No. 123, Jawahar
Nagar, Hissar (Haryana).

.. Petitioner.

Vs.

The Commandant, Equine Breeding Stud, Hissar-125001.

.. Respondent.

REPRESENTATIVES:

For the Workman : None.
For the Management : Ms. Deepali Puri.

AWARD

(Passed on 4-5-99)

The Central Govt. Ministry of Labour vide notification No. L-42012/254/90-IR(DU) dated 30-12-96, has referred the following dispute to this Tribunal for adjudication.

"Whether the activities of the Equine Breeding Stud, Hissar, constitute to be that of an Industry under the ID Act, and if so whether the action of the management of Equine Breeding Stud, Hissar in terminating the services of Shri Gurdev Singh S/o Sohan Singh daily rated worker is just, fair and legal and whether the action of the management of Equine Breeding Stud, Hissar in denying equal wages for equal work to the workman is just and fair? If not, to what relief the workman concerned is entitled to?"

2. Despite repeated registered notice, none has put up appearance on behalf of the workman. It appears that workman is no longer interested to pursue with the present reference. In view of the above, the present reference is returned unanswered for want of prosecution. Appropriate Government be informed.

Chandigarh.

4-5-99.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 14 सितम्बर, 1999

का.प्र. 2902.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, गोहाटी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-09-99 को प्राप्त हुआ था।

[सं. एल-12013/72/98—आई आर (बी-II)]
सी गंगाधरन, अवर सचिव

New Delhi, the 14th September, 1999

S.O. 2902.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Industrial Tribunal, Guwahati as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 13th September, 1999.

[No. L-12013/72/98-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL: GUWAHATI: ASSAM:
REFERENCE NO. 10(C) OF 1999

PRESENT:

Shri K. Sarma, L.L.B.,

Presiding Officer,

Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between:
The Management of Central Bank of India,
Guwahati.

-Vs-

Their workman Shri N. C. Borah:
Date of Award: 25-8-99.

AWARD

The reference arise out of the Govt. order No. L-12013/72/98/IR (B-II) dated 3-3-99 relates to the dispute indicated in the schedule below:

"Whether the action of the management in cancelling the placement order of Shri N. C. Borah as Head Cashier 'E', made vide their order No. UPAS 97-98: 325 (48) dated 18-6-97 by their letter dated 30-7-97 is justified? If not, what relief the workman is entitled to?

In this reference case the management is present. But workman is absent without stop. From perusal of the record I find that workman is absent continuously for 4 dates without showing any reason. Some times management is also absent in the same way. Considering the conduct of the parties, I am of opinion that there exists no dispute between the parties and accordingly no dispute award is passed.

I give this award on this the 25th August, 1999 under my hand and seal.

K. SARMA, Presiding Officer.

नई दिल्ली, 14 सितम्बर, 1999

का.प्र. 2903.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केन्द्र बैंक के प्रबंधक के संबंध में नियोजकों और उनके कर्मचारियों के बीच, प्रबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारों, बैलेंसों के पंचाट को प्रस्तुत करती है, जो केन्द्रीय सरकार को 13-09-99 प्राप्त हुआ था।

[सं. एल. 12012/711/88-डी-II (ए)]

सी. गंगाधरन, अधीक्षक सचिव.

New Delhi, the 14th September, 1999

S.O. 2903.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government

hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 13-09-99.

[No. L-12012/711/88/DII(A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 1-9-99

PRESENT:

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 39/89

I PARTY

H. S. Padaki,
Represented by the General Secretary,
Dharwar District,
Bank Employees
Association, Hubli.

II PARTY

Deputy General Manager.
Canara Bank,
Mangalore.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/711/88-D.II (A) dated 10-5-1989 on the following schedule:

SCHEDULE

"Whether the action of the management of Canara Bank in terminating the services of Shri H. S. Padaki is justified? If not, to what relief is the workman entitled?"

2. The above reference which was received by this tribunal on 23-5-89 is now seen the light of the day for disposal. The parties have filed their claim statement and counter statement respectively before 6-9-89. The evidence which was began during 1994 was concluded on 23-8-1999. Since the matter pertains to Hubli, this tribunal is expected to fix the camp court for the purpose of deciding the matters connected to Hubli. Due to failure in proper adjudication of the cases related to Hubli and surrounding areas, this tribunal directed the advocates and labour representatives to appear in Bangalore court for continuing the cases for adjudication.

3. First party filed the claim statement and thereafter the parties resorted to file number of interlocutory applications, rejoinders, reply to rejoinder and ultimately submitted to the court that no additional issues will arise.

4. The first party in his claim statement, as it regards to the merits of the case, has contended that he has joined as a temporary sub-staff on 26-10-82. After working in some 2 places he continued to work at Narainpur branch at Dharwar. He has raised several contention with regard to bad service condition. He has also contended that the second party are not paid retrenchment compensation after his termination.

5. His further contention is he has been informed that the work will not be provided to him by the second party. According to him no charge sheet was issued and no domestic enquiry was conducted before his termination. Therefore, the management violated the principles laid down under Shastri Award, Desai Award and Bipartite Settlement. He prayed for reinstatement, continuity of service and back wages.

6. The second party in their counter statement have contended that the first party was not an Award staff and not covered under bipartite settlements. They have further contended that the first party was appointed as a Daily Wager to work in the leave vacancy that would arise by leave or absence of the regular sub-staff. A panel of Daily Wagers was maintained Districtwise to fill up as and when the vacancies arise for that post.

7. The first party was entrusted a cheque for Rs. 5000 drawn on Hubli Dharwad Urban Co-operative Bank Ltd., credited by a customer. The first party was asked to get the cheque realised from that bank to credit the cash to the account of the customer. The first party who has realized this amount has not credited the same to the bank. This was discovered on 6-4-88. When the first party was asked about this he has stopped coming to the bank. He has been approached by the manager and others in his house and learnt the misappropriation of this amount by the first party. However, his family members realising the seriousness of the offence have reimbursed the same to the bank subsequently. However, the management by taking into consideration the conduct of the first party who was only a Daily Wager under the panel of sub-staff, have not allowed him to work after this misconduct. To prove this aspect of the matter the second party examined the then manager of Narainpur branch as MW1 and also examined a Manager in disciplinary action cell to prove the misconduct. In addition to this the Manager of Hubli Dharwad Urban Co-operative Bank Ltd., was examined to prove that the cheque in question was realised and the payment was made to the person who presented the cheque on behalf of second party bank.

8. These three witnesses have exhaustively given evidence connected to this misconduct. In support of this the management have marked all relevant documents from Ex. M1 to Ex. M25. I have closely gone through the evidence in their Exam-in-Chief and the tenor of the cross-examination made by the learned representative for the first party and also perused all original documents produced in the case including Ex. M12 dated 7-5-88, a letter executed by this workman accepting this misconduct. The evidence both oral and documentary lead to an irresistible conclusion that the first party has committed this misconduct.

9. The second party have not conducted any domestic enquiry on this misconduct due to the fact that he was only a temporary daily wager, was not being governed as an Award staff. Since that money was made good by his mother and others they have not given any police complaint also.

10. The workman can not claim all the benefits under law when he has committed a misconduct which is proved and the same was a grave misconduct. Even before he has been empanelled this workman has committed such a serious misconduct, which is quite natural that banking institution cannot repose any confidence on him to continue his work in the bank either as a temporary sub-staff or for a future absorption.

ORDER

Having regard to these facts and circumstances, the second party are justified in not continuing the services of this workman. The reference is answered accordingly.

(Dictated to the P.A., transcribed by her, corrected and signed by me on 1-9-99.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 14 सितम्बर, 1999

का.अ. 2904:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबंध में उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-09-99 को प्राप्त हुआ था।

[स. एल-12012/557/89-डी-II (ए)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 14th September, 1999

S.O. 2904.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 13-09-99.

[No. L-12012/557/89-D II(A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 3rd September, 1999

PRESENT:

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 23/90

I PARTY

Shri S. Mohammed Anis,
No. 9, Corporation Building,
Broadway,
Hubli-20.

II PARTY

The Regional Manager,
Indian Overseas Bank,
III Floor, Laxminarayana
Complex, 10/1, Palace Road,
Bangalore-560052.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section (2A) of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012, 557/89-DIIA dated 6th April, 1990 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the management of Indian Overseas Bank in dismissing Shri S. Mohammed Anis from service w.e.f. 8-12-1987 is justified? If not, to what relief the said workman is entitled to?"

2. This reference was received by this Tribunal on 6-4-90. The I party was dismissed from service w.e.f. 8-12-1987 after conducting a Domestic Enquiry on the allegation of charges contained in the charge sheet dated 31-12-1985.

3. The I party in his Claim Statement has contended that he was appointed as a Temporary Sub-staff in June 1972 and later promoted as a Clerk and was working at Dasankoppa Branch when this charge sheet was issued to him.

4. He denied the averments made in the charge sheet and also questioned the validity of Domestic Enquiry. He has also questioned conducting of a Domestic Enquiry and also a criminal prosecution. Simultaneously, as it regards to report of the Enquiry Officer his contention is that the said report suffers from truth as the defence arguments were not taken into consideration. Therefore the report is motivated. He has also alleged the bias of Enquiry Officer.

5. Lastly, his contention is that the Order of Dismissal is vitiated due to pendency of criminal investigation. He has also questioned the Orders of Disciplinary Authority and Appellate Authority.

6. The II party in their counter statement denied almost all the averments made in the Claim Statement with reference to the Honesty and Integrity of this workman even prior to conducting a Domestic Enquiry connected to this dispute. As it regards to the validity of Domestic Enquiry the II party justified its correctness and consequently the order of dismissal.

7. The reference of this case discloses that from the year 1990, no progress has been made in this case except filing unnecessary applications, involving this Tribunal to pass orders on these applications. Time and again the parties are in the habit of filing voluminous unnecessary documents as and when they found convenience to do so. Over and above both parties appears to have been secured this to the outcome of this case as if that they are contesting the case attaching unfounded prestige among them. The evidence of the validity of Domestic Enquiry was started on 2-5-94 and was concluded on 3-5-1994. Thereafter no order has been passed by this Tribunal on the validity of Domestic Enquiry. In fact both parties have filed written arguments on this question running more than 16 to 17 pages.

8. Admittedly some of the cases is required to be taken in the places of its origin. This case is to be held at Hubli Camp which is about 400 kms. from Bangalore city. Proper facilities were not given to the Presiding Officers of this Tribunal to travel to that far off places. There was no permanent Stenographers and Typists. My Predecessors were not successful in getting these facilities, of course this tendency has not changed by the Labour Department of Government of India. Therefore, a predicament was placed to the Presiding Officers of this Tribunal as to what he should do when we are claiming ourselves to be a welfare state. The workman suffered a lot but this state of affairs was made by the concerned Labour Department who slept over the matter completely.

9. Well, let us come to discharge of duty envisaged under law. This Tribunal heard on the validity of Domestic Enquiry on the available materials on 8-7-1999. On 16-7-1999 an order on this issue was pronounced holding that the Domestic Enquiry was conducted by the management was in accordance with law. Of course a great length of time was involved in view of the unnecessary contentions taken by the parties which in a sense is to be answered. Therefore we have reached second stage of the case to consider the dispute on its merits and to find out whether the Order of dismissal is legally sustainable.

10. Admittedly, the first charge sheet, connected to this dispute was issued on 31-12-1985, as per Ex. M-4. After pre-investigation some more factors came to light therefore the amended charge sheet dated 9-8-1986 as a corrigendum was issued as per Ex. M-5. The workman has not replied to the Charge Sheets. The charge sheet (Ex. M-4) runs to 4 pages. Briefly the charges are collecting the money from the customers for crediting to their account and without crediting misappropriated the amounts and issuing false challans with forgery. On this account he appears to have committed misappropriation of several customers. Therefore the management considered the misconducts as grave, falling under 17.5(d)(i) and (k) of the Bi-partite Settlement.

11. To establish these charges as many as 10 witnesses were examined by the management and number of documents were marked. Ex. M-22 is the findings of the Enquiry Officer. After appreciating the evidence he concluded that all the charges has been established in full. The I party appears to have not examined any witnesses nor placed any documentary evidence.

12. The validity of Domestic Enquiry was dealt with in great detail and on the appreciation of the evidence, this Tribunal came to the conclusion that the enquiry was fair. On the question of perversity the learned representative for the I party is not successful in placing any materials in his written arguments. In fact his contention is that the I party was prosecuted in CC Nos. 4/93, 7/95 and in both cases the I party was acquitted of the charges levelled against him.

Therefore the contention of the learned representative is that the Order of acquittal dated 2-9-1904 required to be taken for the consideration of reinstatement of the workmen as the judgment of the Criminal Court is having a precedent over the finding of the Domestic Enquiry.

13. I perused the judgments of the learned Magistrate. In both cases the witnesses turned hostile, which is a common feature in Criminal Courts where in several cases the accused are indulging in making the witness hostile by threat or inducement.

14. The law is also well settled that the initiation of the Domestic Enquiry and initiation of Criminal case is altogether with different purpose. In a criminal case the prosecution required to prove the guilt of the accused beyond reasonable doubt. In Domestic Enquiry the picture is altogether different, if the Enquiry Officer prima facie comes to the conclusion on the available material that the delinquent has committed misconduct as charged, he has power to reach a conclusion of giving a finding of guilt. If the findings is required to be annulled the workman should prove that the finding is perverse. A perverse finding mean a finding not supported by legal evidence. Therefore to accept the contention of the I party that merely a Criminal Court gave a benefit of doubt as it relates to some offence only and on that basis the finding of the Domestic Enquiry should be discarded. It is not the intentment of law.

15. Admittedly the charges made against the I party are grave and opposed to dignity and personality of an Official working in a Bank. It is not an exaggeration to say that a Bank is an institution being run on the integrity and honesty of the Staff.

16. As it relates to the past services of this workman the II party made available the earlier misconduct committed by this workman in submitting a false Travelling Allowance Bill when he was transferred from Bangalore to Dasakoppa. A charge sheet was issued to him as per Ex. M-32. He has accepted the charges and sought for a lenient view. Therefore, a punishment of warning was imposed as per Ex. M-35. These papers are marked from Ex. M-27 to Ex. M-35.

17. In a similar and identical facts and circumstances a Division Bench of the Kerala High Court in Baby Vijayan and Industrial Tribunal and another 1999 II LLJ Page 155 depreciated a lenient view in respect of punishment. In this case the concerned employee was found guilty of having forged signature of an account holder in withdrawal slip and obtained amount. He was dismissed from service for this major misconduct in terms of the Para 17.5(j) of the Bi-Partite Settlement. The learned Judge upheld the order of Dismissal and also gave finding that in a misconduct of this nature the past records has no relevance. But in this case the past records also go against the workman.

18. In a similar situation the High Court of Madras in 1999 II LLJ Page 210, as it relates to the discretionary power of the Tribunals has held that there should not be a interference with the quantum of punishment if proved misconduct is warranting dismissal from service.

19. In a nut-shell this party has not made out any case to exonerate him from the punishment or to give an alternative lesser punishment. In view of these circumstances the following order it made :

ORDER

20. The II party are justified in dismissing the service of this workman as shown in the schedule. The reference is answered accordingly.

(Dictated to the L.D.C., transcribed by him, corrected and signed by me on 3rd September, 1999.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 4 सितम्बर, 1999

का.आ. 2905.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार केन्द्र के प्रबंधकों के संबंधितों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-09-99 को प्राप्त हुआ था।

[सं. एल-12012/192/90-आई आर (बी-II)]

सी गंगाधरन, धरवर सचिव

New Delhi, the 14th September, 1999

S.O. 2905.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 13-09-99.

[No. L-12012/192/90-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 6-9-1999

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 55/90

I PARTY

Shri Gurunath B. Murgod,
Behind Samagar Society,
Cotton Market,
Dharwad-580001,
Karnataka State.

II PARTY

The Chairman and
Managing Director,
Canara Bank,
Head Office
J. C. Road,
Bangalore-560002.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/192/90-IR-B(II) dated 9-10-90 on the following schedule.

SCHEDULE

"Whether the action of the management of Canara Bank in dismissing Shri Gurunath B. Murgod, sub-staff of Durgad Baid, Hubli branch w.e.f. 12-8-89 is justified? If not, what relief the said workman is entitled to?"

2. The concerned workman in this dispute is Gurunath B. Murgod. He was dismissed from service w.e.f. 12-8-89 after conducting a domestic enquiry on the allegation of Charge Sheet dated 19-5-1988. The act of misconduct alleged to have been committed by this workman is under Regulations 3(j) and 3(m) of Chapter XI of Canara Bank Service Code. The charges are :

"You are working at our Hubli Main Branch as a Peon since 11-8-1979.

While working at the main premises of above branch, on 4-7-86, you in collusion with one person aged about 25 years, introducing/posing himself as Sri Ganesh Basavaraj Mundargi of Vishweshwaranagar, II Line Hubli, got opened a bogus SB A/c No. 30370 in the name of the said Sri Ganesh Basavaraj Mundargi with an initial deposit of Rs. 50 at the deposit counter of our Hubli Main Branch, situated in a separate premises, with fraudulent intention. The a/c was introduced by one Sri S. Natarajan, holder of SB a/c No. 29502/102 without knowing the implications of introduction and the fraudulent intention behind opening the a/c. You were found engaged in conversation with the above person who posed himself as Sri G. B. Mundargi at that point of time. Subsequently, on 12-7-1986, you approached the Senior Manager of the branch.

On the same day i.e. on 12-7-86 you have by misusing your official position in the bank got prepared a bogus application, challan for Demand Draft for Rs. 35,000 favouring one Sri G. B. Mundargi payable at Dharwad by fraudulently affixing transfer seal of deposit counter and putting some fictitious initials thereon and handed over the same to DD clerk for writing the Demand Draft at around 11 a.m. even though you were attached to main premises. On the reverse of Demand Draft application "BY SB 30370" was written in addition to putting the transfer seal on the fact of the application to make it appear and to create an impression at Demand Draft counter that it was a transfer transaction of the deposit counter of the branch. On the said date you were frequently and anxiously enquiring about the issue of the Demand Draft in respect of the said Demand Draft application with the DD Clerk. Basing on the above bogus Demand Draft application without contra debit/receipt of consideration by the branch as above, Demand Draft No. 8495 dated 12-7-86 for Rs. 35,000 on Dharwad favouring G. B. Mundargi was issued by the branch.

On 13-7-86 you got opened a bogus SB a/c 2777 through the above referred person at Narayanpur Branch by taking advantage of the fact that it was a Sunday working branch, under the style "Ganesh B. Mundargi" by submitting/producing an account opening form removed by you from our Hubli Main Branch, by fraudulently putting signature verified seal and the signature of Sri S. S. Haldipur, Accountant then working at Hubli Main Branch was forged therein. Thereafter you fraudulently and dishonestly got credited the above Demand Draft for Rs. 35,000 to the above SB a/c and sum of Rs. 32,000 was withdrawn from SB a/c 2777 and the amount was misappropriated by you.

The Demand Draft application at Hubli Main Branch and Account opening forms, pay-in-slips and cheques issued pertaining to SB a/c 30370 and 2777 at Hubli Main and Narayanpur Dharwad branches respectively contain your handwriting.

3. On this allegations an enquiry was conducted as this workman denied the imputation of charges. The Management has conducted a Preinvestigation and on the basis of the materials discovered during Pre-investigation the above charge has been framed against the workman. The Management examined 16 witnesses including a handwriting expert. As many as 51 documents were marked for the management. The Disciplinary Authority accepted the report of the Enquiry Officer and also the recommendation made by him under Chapter XI, Regulation (4), Clause (j) for dismissing this workman from service. The Appellate Authority also accepted the order of dismissal.

4. The I party joined as a Temporary Staff in February 1977. He was appointed as Sub-staff w.e.f. 8-8-1979. When he was working at Durgad Baid Branch, the misconduct alleged in the Charge Sheet was discovered by the concerned branch.

5. In the Claim Statement the I party has contended that he has been made as a Scapegoat and he has not committed any such offence. He has attributed ill motive in issuing the Charge sheet by giving up the involvement of other officials in this misadventure. He has also attributed bias and attacked the validity of Domestic Enquiry by making allegations of violating the principles of Natural Justice and not affording sufficient opportunity.

6. The II party in their counter statement have denied the various defences taken by the workman and contended that this workman as Sub-staff has committed a grave misconduct thereby the II party has lost faith of his integrity and therefore, they have accepted the report of the Enquiry Officer into and dismissed him from service. According to the II party, the gravity of the charges being proved, the I party is not entitled for any relief whatsoever in this dispute.

7. Earlier a preliminary issues was framed to give a finding on the validity of Domestic Enquiry. The enquiry officer has examined on 6-4-1994. He was cross-examined on 6-7-99. The I party has not given evidence on preliminary issue. His representative has conceded the validity of Domestic Enquiry. In view of the above, this tribunal is to consider any perversity in the findings of the Enquiry Officer or any act of victimisation by the Management which also leads to having committed unfair Labour Practice.

8. The Domestic Enquiry was held to be fair and proper. When this issue is held in favour of the management we have to accept the report of the Enquiry Officer in toto unless necessary materials are produced to show that the finding requires examination as it is a perverse order.

9. Indeed the learned representative for the I party has filed a written arguments touching several aspects of the matter. The first consideration made by the I party is that his acquittal in a Criminal Case filed for the very same offence which was registered in C. No. 725/90-91. This order of acquittal was made vide judgement dated 14-8-1997. The order of acquittal will not ensure to the benefit of this workman in view of the law being settled in distinguishing the report under Domestic Enquiry and a judgement of the Criminal Court. I am not going to distinguish this point in detail, as the law is well settled.

10. The other contentions in their written arguments are that this workman being a sub-staff will not have access to create a DD for Rs. 35,000 and therefore, the involvement of other officials should be noted. It is further submitted that since the I party alone was made scapegoat as it regards to the misconduct, the order of dismissal is not sustainable.

11. As I said earlier the Management have examined 16 witnesses in the Domestic Enquiry and their evidence has substantially prove the 'modus Operandi' of this workman in making an adventure of this nature. Therefore, it is too late in a day to come to a contrary conclusion than what is concluded by the Enquiry Officer. The gravity of the misconduct was to be visited with the punishment of dismissal. Such a punishment is not shockingly disproportionate to prove misconduct. Therefore, even non-consideration of previous records of this workman, if any, does not give any benefit to this workman. It is also not a fit case where the benevolent provisions contained under Section 11A can be extended in his favour.

12. Having regard to these facts and circumstances the following order is made :

ORDER

13. The II party are justified in dismissing the services of this workman on a proved misconduct. The reference is answered accordingly.

(Dictated to the L.D.C., transcribed by him, corrected and signed by me on 6th September, 1999.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

का.आ. 2906.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनबध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-99 को प्राप्त हुआ था।

[स. एल-12012/263/97-आई आर (बी-II)]

सी. गंगधरण, अवर सचिव

New Delhi, the 16th September, 1999

S.O. 2906.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 15-9-99.

[No. L-12012/263/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

SHRI S. B. PANSE, Presiding Officer
REFERENCE NO. CGIT-2(28 OF 1998
Employers in relation to the management of
Union Bank of India

The General Manager,
Union Bank of India,
Zonal Office,
239, Vidhan Sabha Marg,
Mumbai-400 021.

AND

Their Workmen,
Sh. S. J. Chaudkar,
204, A-Wing,
Riddhi Siddhi Apartment,
M.B. State, Virar,
Pin-401 303.

APPEARANCES :

For the employer—S/Shri P.K. Rele, R. N. Shah & A.M. Pota, Advocates.

For the Workmen—Shri M.B. Anchan, Advocate.

Mumbai, dated 27th August, 1999

AWARD-PART-II

On 19th April, 1999 by Part-I Award I came to the conclusion that the domestic inquiry which was conducted against the workman was as per the

Principles of natural Justice and the findings of the inquiry officer are proper.

2. Now, I have to answer the remaining issues. The issues and my findings there on are as follows :—

Issues	Findings
4. Whether the action of the management of Union Bank of India in dismissing the services of Shri S.H. Cheulkar is legal and justified ?	Legal and justified.
5. If not, to what relief he is entitled to ?	Does not survive.

REASONS

3. In nutshell the facts relating to the reference are as follows :—

That Cheulkar the workman was chargesheeted for committing a gross misconduct of doing acts prejudicial to the interest of the bank.

The act which was committed by Cheulkar was that he took a cheque from the customer of the bank to whom he was knowing of an amount of Rs. 9,900 and converted it to Rs. 99,900. He tried to see the account whether the amount was deposited in his account or not. His attempt was to withdraw the amount fraudulently but, he could not succeed. Later on he admitted his guilt by writing a letter to the management.

4. Both the parties filed purshis (Ex-20 & 21) informing the Tribunal that they do not want to lead any oral evidence in the matter. Mr. Anchan, the Learned Advocate for the workman filed his written argument at Exhibit-22. The Managements advocate orally argued the matter.

5. It is tried to submit on behalf of the workman that in many other cases where there were charges of fraud the management had taken a lineant view. It is therefore in this matter also they should take such a tyre of view and award the lineant punishment to the workman. It is to be shown that in similar type of circumstances the management had taken a particular type of view That is no done in the present matter. Further more it is well settled that there can be a different type of punishment in similar set of facts in view of different circumstances. There is nothing to show that the punishment which was awarded to the workman was with malafided intentions.

6. Mr. Anchan, the Learned Advocate for the workman tried to argue that infact there was no loss to the bank because by the act of the worker. The reputation of the bank is to be seen in such type of cases. Actually monetary loss is a secondary part. The emeployees of the bank are of such a type of nature then only the reputation of the bank is bound to loose. It is therefore, the action which is taken by

the management in dismissing the workman is legal and justified. I do not find any justification for entertering with the same. In the result I record my findings on the issue accordingly and pass the following order :—

ORDER

The action of the management of Union Bank of India in dismissing the services of Shri S. H. Cheulkar is legal and justified.

S. B. PANSE, Presiding Officer

27-8-1999.

नई दिल्ली, 15 सितम्बर, 1999

श.प्र. 2907.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निवृत्त औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-99 को प्राप्त हुआ था।

[सं. एल-12012/155/92-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 15th September, 1999

S.O. 2907.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman. which was received by the Central Government on 15-9-99.

[No. L-12012/155/92-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 52 of 1992

PARTIES :

Employers in relation to the management of Bank of Baroda.

AND

Their workmen.

PRESENT :

Mr. Justice A.K. Chakravarty, Presiding Officer

APPEARANCE :

On behalf of Management—Mr. R. Kanan, Senior Manager (Personnel), Mr. P. K. Guha Nivogi, Manager (Personnel) and Mr. Joydeep Dutte Roy, Personnel Officer of the Bank.

On behalf of Workmen—Mr. A. Chatterjee, Vice-President of the Union.

STATE : West Bengal. INDUSTRY : Banking.

AWARD

By Order No. L-12012/155/92-IR(B-II) dated 17-9-1992, the Central Government in exercise of its powers under section 19(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bank of Baroda, Girish Park Branch in discontinuing Special Allowance of Daftary paid to Sh. Sitaram Routh w.e.f. 20-12-84 is justified ? If not what relief the workman concerned is entitled to ?"

2. By an order dated 6-5-1992 passed by the Hon'ble High Court at Calcutta in appeal against the Award dated 1-4-1998 passed by this Tribunal in this case, directed rehearing of the matter. The relevant portion of the order is reproduced below :—

"The grievance of the petitioner is that the Tribunal failed to consider the relevant materials on record as also the argument of the petitioner that the Special Pay did not form the part of the condition of service of the private respondent.

Without going to the merits of the matter we set aside the Award of the Tribunal and direct the Tribunal to rehear the matter in the presence of the petitioner....."

3. In terms of the aforesaid order of the Hon'ble High Court parties appeared before this Tribunal and made their submission in the matter.

4. Before proceeding to discuss the respective submissions of the parties during rehearing of the matter, the facts of the case may be briefly stated as follows.

5. Bank of Baroda Employees Union, West Bengal (in short the union) came up with the allegation in this case that the concerned workman, Sitaram Routh was receiving special allowance of Daftary @Rs. 119 per month with effect from 20-12-1984 on permanent/regular basis without any break, uninterruptedly and also during the leave period. Management of the Bank of Baroda (management in short) having suddenly withdrawn that special allowance on 19-12-1991 i.e. after 7 years from the time when the special allowance was sanctioned on the alleged ground of existence of anomaly at the time of the initial assignment of duties in 1984. On 24-12-1991 the management assigned him the duties of Hundi Bill Collector carrying lesser special allowance of Rs. 101 per month. The union's objection against such order of the management having become futile, an industrial dispute was raised challenging the action of the management as violative of the provisions of Section 9A of the Industrial Disputes Act, 1947 and also on the grounds of impropriety, unjustness and illegality of the order. The union accordingly prayed restoration of special allowance of Daftary of the concerned workman at the rate of Rs. 119 per month.

6. The management contested the matter alleging, inter alia, that the concerned workman was not eligible for assignment of duties and payment of special allowance on permanent basis in terms of the

then existing settlement. The management also alleged that discontinuance of Daftary allowance of the concerned workman was justified as such step was necessary for rectification of initial mistake and also that there was no violation of the provisions of the Industrial Disputes Act, 1947.

7. This Tribunal by its Award dated 1-4-1998 held that the management of Bank of Baroda was not justified in discontinuing special allowance of Daftary to the concerned workman from 1-1-1992 and directed payment of the said amount to him with all consequential benefits.

8. Mr. Joydeep Dutta, Rev appearing as representative of the management submitted that the settlement which came into force on 1-5-1984 (Annexure-B) and the Ext. W-5 which is an extract of the relevant portion of the same was not taken into consideration while passing the Award. It is true the terms of the settlement was not referred specifically in the Award. But, no such reference was made for the simple reason that there is nothing in the settlement or in the extract of the settlement to show that the action of the management in discontinuing the special allowance was justified by any of the provisions of the said settlement.

9. Before, however, discussing the matter in more details, it is necessary to take note of the admitted facts in this case. Admittedly, the concerned workman Sitaram Routh was directed to perform additional duties of Daftary with effect from 24-12-1984 and his initial special allowance was Rs. 66 per month which will appear from the letter of the management dated 19-12-84 which is marked Ext. W-1 in this case. The next exhibit W-2 is the letter dated 19-12-1991 from which it will appear that the management informed the concerned workman that an anomaly while assigning the duties attracting special allowance had occurred and it required rectification. Immediately upon receipt of the said letter the concerned workman by his letter dated 19-12-1991 protested against such proposal for withdrawal of special allowance by Ext. W-3. Union also by the letter dated 19-12-1991 objected to such proposal of the management (Vide Ext. W-4). The management thereafter on 21-12-1991 informed the concerned workman that he was to perform the duties of Hundi Bill Collector and his special allowance will be Rs. 101 per month (vide Ext. W-5). Admittedly, the special allowance of Daftary was raised to Rs. 119 and the concerned workman was enjoying the special allowance till it was discontinued by the management.

10. Management's case that it is discontinued the special allowance of Daftary of the concerned workman only for removal of anomalous position has not been properly stated in its written statement. How, why and under what circumstances such anomalies occurred have not been stated in the written statement, nor is there any evidence on behalf of the management to prove the same and also to prove why such rectification was necessary. It is for the first time during trial it transpired from the evidence of WW-1, Sitaram Routh, who is none else than the concerned workman himself, that one Piyari Mohan Mondal was placed in his place and he was posted as Bill Collector. He, however, could not say how Piyari Mohan Mondal was

placed in his place. He stated categorically in his evidence that he was senior to Piyari Mohan Mondal. He also stated that in the branch where he is working now there were 10 sub-staff initially and their number is 9 now and since he was seniormost amongst the sub-staffs he was given the Daftry Allowance. There being no evidence from the side of the management to controvert WW-1] and no documentary evidence being available for proving that Piyari Mohan Mondal was senior to Shri Routh the concerned workman, that I am to hold that the management has hopelessly failed to show any justification for discontinuance of the concerned workman's initial posting to the higher special allowance carrying post of Daftry and placing a person junior to him in that place and giving him thereby a higher special allowance than the concerned workman which happened because of his assignment as Hundi Bill Collector which is admittedly carrying lesser special allowance of Rs. 101. Clause 4 of the settlement of 1984 (Annexure-B) prescribes seniority as a sole criterion for the purpose of assigning duties to posts carrying special allowance. It does not require any mention that where there are two special allowance carrying posts available having different special allowance, the higher special allowance carrying post among them should go to the seniormost.

11. I have carefully gone through the settlement and the extracts thereof (Ext. W-5) and nowhere I found any provision in justification for rectification of the alleged anomalous position. I have already stated that the management has hopelessly failed to prove that there was any anomalous position at all justifying the rectification as made by it. Simple mentioning in the letters of the management that rectification was needed to remove the anomaly will not be enough and the management is bound to prove the same before the Tribunal, which it failed to prove in this case. No reason or justification for affecting rectification for the alleged anomaly having been proved, the management's order of discontinuance of the special allowance of Daftry to the concerned workman by posting him to the special allowance carrying post of Hundi Bill Collector carrying lesser special allowance of Rs. 101 was not only arbitrary but also illegal and unjust.

12. It should also be noted in this connection that the management issued no formal order discontinuing the concerned workman to work in the special allowance carrying post of Daftry. Ext. W-5 is the letter of the management by which he was posted to the special allowance carrying post of Hundi Bill Collector carrying special allowance of Rs. 101 per month. The special allowance carrying post of Daftry having been offered to the concerned workman by a written order dated 19-12-1984, any order for modification or cancellation of such offer must be made by written instrument. It cannot be argued that there was implied discontinuance because of Ext. W-5. There was, therefore, no proper discontinuance of the special allowance carrying post of Daftry to the concerned workman in this case.

13. The only remaining question requiring consideration in this case is whether the provisions of section 9A of the Industrial Disputes Act, 1947 is applicable

in the facts and circumstances of the case. The management tried to take shelter under the settlement of 1984 by contending that the proviso of Section 9A does not make it obligatory to issue notice under that section where the change is effected in pursuance of any settlement. I have already stated about the settlement and I have shown that there is nothing in this settlement authorising the management to discontinue the special allowance carrying post to any particular employee enjoying such special allowance arbitrarily. In the case of Management of Indian Oil Corporation Ltd. v. Its workmen, reported in 1975(II) LLJ 319 the fact was that the employer had withdrawn compensatory allowance payable to its employees on the line of such allowance previously introduced by the Central Government for the employees posted throughout Assam as it thought that the rule of the Central Government was not binding on it. This allowance was withdrawn unilaterally without giving any notice to the workers. It was held that case that compensatory allowance was undoubtedly an implied condition of service so as to attract mandatory provisions of Section 9A of the Industrial Disputes Act, 1947. Discontinuance of special allowance having therefore affected the service conditions of the concerned workman, Section 9A comes into operation the moment the employer proposes to change any condition of service of any workman and once this is done, 21 days notice is to be given to the workman. Reference may be made for this purpose to the case of Chandramalai Estate v. Workmen, reported in AIR 1960 SC 302. The impugned order dated 21-12-1991 by which the concerned workman was allotted the duties of special allowance carrying post of Hundi Bill Collector being thus palpably illegal for non-compliance of the requirements of Section 9A of the Industrial Disputes Act, 1947, the management is to restore to the concerned workman his position prior to the issuance of the said letter.

14. So, upon consideration of the facts, circumstances, evidence on record as well as position of law in the matter, I am to hold that the action of the management of Bank of Baroda, Girish Park Branch in discontinuing special allowance of Daftry paid to Shri Sitaram Routh with effect from 20-12-1984 was not justified. Management is directed to restore the special allowance of Daftry to the concerned workmen from 1-1-1992 with all consequential benefits, upon adjustment of any amount which might have been paid to him towards special allowance from that date.

This is my Award.

Calcutta,

The 6th September, 1999.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

का.प्र. 2908.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल.आई.सी. आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II

मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-99 को प्राप्त हुआ था।

[सं. एल-17012/51/96-आईआर (बी-II)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 16th September, 1999

S.O. 2908.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government Industrial Tribunal-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 15-9-99.

[No. L-17012/51/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT 2/26 of 1997

Employers in relation to the management of Life Insurance Corporation of India.

The Sr. Divisional Manager, Life Insurance Corpn. of India, Divisional Office, Adlat Road, Aurangabad (MS).

AND

Their Workmen

The Vice-President,
Aurangabad Divisional Insurance workers

Organisation, Supari Hanuman Road,
Aurangabad (MS).

APPEARANCES :

For the Employer --Ms. Naveen Koul Representative.

For the workmen—Mr. V. Y. Lotlikar Mr. D. S. Agate Representatives.

Mumbai, dated 12th August, 1999

AWARD—PART—II

Shri Subhash Ghodke, the workman was a cashier at Ambajogal Branch under the Aurangabad Division of the Corporation. He was served with two chargesheets dtd. 11-1-92 and 21-2-92. In both these chargesheets there was a allegation of misappropriation by him for temporary period. The inquiry officer held the employee guilty of temporary misappropriation of Rs. 409.70ps to Rs. 495 by his report dtd. 4-5-93. The Disciplinary authority, the Senior Divisional Manager in accordance with the findings of the inquiry officer

issued a show cause notice dtd. 11-5-94 proposing to impose penalty of removal from the service. After going through his reply the Disciplinary Authority by his order dtd. 21-10-95 imposed a penalty of removal from service in terms of Clause-F of Regulation-39 of Life Insurance Corporation of India (Staff) Regulations 1960. The workman's appeal was rejected.

2. The workman raised an Industrial Dispute which came for adjudication to this Tribunal. The Tribunal framed two preliminary issues and came to the conclusion that the domestic inquiry which was held against the workman was against the Principles of Natural Justice and the findings of the inquiry officer are perverse.

3. Being aggrieved by the said Award the Corporation preferred a writ petition No. 1178 of 1998 before the High Court of Bombay. His Lordship by its Judgment and order dtd. 11-1-99 set aside the Award and came to the conclusion that the inquiry held against the workman was not in violation of the Principles of Natural Justice and further that the award of the Tribunal on account of violation of Principles of Natural Justice in the conduct of the inquiry, the inquiry officers findings were perverse cannot be sustained either.

4. Now the Tribunal has to decide the remaining two issues. The issues and my findings there on are as follows:—

Issues

Findings

3. Whether the action of the management of L.I.C. removing Subhash Ghodke, Assistant from service by order dtd. 21-10-95 is legal and justified ? Yes.

4. If not, to what relief the said workman is entitled and from which date? Does not survive.

REASONS

5. Ghodke (Ex-27) filed a detailed affidavit but, it pertains to issues Nos. 1 & 2 which is absolutely out of question for consideration of this tribunal. He in cross examination accepts that he have not mentioned anything in respect of issues Nos. 3 & 4. Infact he was required to lead evidence in respect of issues Nos. 3 & 4 only. But he had failed to do so. The management by purshis (Exhibit-30) informed the Tribunal that they do not want to lead any oral evidence in the matter.

6. In the written argument (Ex-31) which is filed by the workman relates to the earlier issues which cannot be considered at all. Nothing is shown how the punishment which is awarded to him is not legal and justified.

7. The workman is found guilty of misappropriation of two amounts viz. Rs. 409.70 and 495. This misappropriation is of public money by an employee as a grave misconduct rendering imposition of major penalty.

8. In Bank of India Vs. Vishwa Mohan (1998 IV SCC 310) Their Lordships observed that "It needs to be emphasised that in the banking business absolute

devotion diligence, integrity and honesty needs to be preserved by every bank employee and in particular the bank officer. If this is not observed, the confidence of the public/depositors would be impaired. It is for this reason we are of the opinion that the High Court had committed an error while setting aside the order of dismissal of the respondent." Relying on the ratio given in the above said authority I find that the penalty which is awarded to the workman is proportionate to the charges proved. I do not find any reason to alter the punishment to any other lesser punishment. In the result I record my findings on the issues accordingly and pass the following order:—

ORDER

The action of the management of Life Insurance Corporation of India removing Subhash Ghodke, Assistant from service by order dtd. 21-10-95 is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

का.आ. 2909.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-09-99 को प्राप्त हुआ था।

[सं. एल-12012/310/95 आई आर (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 16th September, 1999

S.O. 2909.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 15-9-99.

[No. L-12012/310/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-1 LABOUR COURT, CHANDIGARH

Case No. I.D. 31/96

Sh. Arun Ghai,
Canara Bank Staff Union
B-XI/1662, Rari Mohalla,
Ludhiana,

.. Petitioner.

Vs.

Deputy General Manager,
Canara Bank,
Sector-34, Chandigarh.

REPRESENTATIVES :

For the Workman—None.

For the Management—Shri Ashish Handa.

AWARD

(Passed on 13th May, 1999)

The Central Government, Ministry of Labour, vide Notification No. L-12012/310/95-IR. (B-II) dated 22nd March, 1996 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Canara Bank, Chandigarh in imposing the punishment of stoppage of one increment with cumulative effect on Sh. Satish Kumar, Daftari, Talwandi Bhai Branch vide their order dated 17-3-1994 is legal and justified? If not, to what relief is the said workman entitled?"

2. Today the case was fixed for filing of claim statement by the workman. Despite several notices to the representatives of the workman, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In the circumstances of the present case, the reference is returned to the Appropriate Government for want of prosecution. Appropriate Government be informed.

Chandigarh

13-5-1999.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 16 सितम्बर, 1999

का.आ 2910.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण, में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-09-99 को प्राप्त हुआ था।

[सं. एल-12012/428/95-आई आर (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 16th September, 1999

S.O. 2910.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman,

which was received by the Central Government on 15-9-1999.

[No. I-12012/428/95-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 81/97

Sh. Soni
C/o Sh. Sunder
Village Ramgarh, Post Bholath
Distt. Kapurthala, .. Petitioner.

Vs.

Branch Manager,
Punjab Natinal Bank.
Post Ramgarh,
Kapurthala (Pb.). .. Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Shri S. K. Verma.

AWARD

(Passed on 15th April, 1999)

The Central Government, Ministry of Labour, vide Notification No. I-12012/428/95-I.R.(B.2) dated 31st December, 1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of New Bank of India (Now PNB) in terminating the services of Shri Soni S/o Sh. Sunder, sweeper w.e.f. 8-12-94 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?”

2. Today the case was fixed for filling of claim statement by the workman. Despite several notices none appeared on behalf of the workman. It appears that workman is not interested to pursue with the present reference. In view of the above situation, the present reference is returned to the Appropriate Govt. for want of prosecution. Appropriate Govt. be informed.

Chandigarh,
15-4-1999.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 16 सितम्बर, 1999

का. घा. 2911.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 सितम्बर, 1999 को प्राप्त हुआ था।

[सं एव.—12612/308/95-आई आर (बी- II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 16th September, 1999

S.O. 2911.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 15-9-1999.

No. I-12012/308/95-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 80/97

General Secretary,
C.B.I. Employees Union Haryana
129, Lal Kurti Ambala Cantt.
(Haryana). .. Petitioner.

Vs.

Regional Manager,
Central Bank of India
Zonal Office, Bank Square,
Sector-17B, Chandigarh. .. Respondent

REPRESENTATIVES :

For the Workman.—Shri Mangat Sharma.

For the Management.—Shri D. K. Chadha.

AWARD

(Passed on 15th April, 1999)

The Central Government, Ministry of Labour, vide Notification No. I-12012/308/95-I.R.(B.2) dated 31st December, 1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Bank of India is not giving promotion to Shri J. R. Arya as per promotion policy 12-3-1992 circulated dt. 12th May, 1992 is legal and justified? If not, to what relief the concerned workman is entitled?”

2. Case taken up today for filling of claim statement. The representative of the workman filed an application stating that workman is no longer interested to pursue with the present reference. In view of the request of the workman the present reference

is returned to the Appropriate Government as withdrawn. Appropriate Government be informed.

Chandigarh.

15-4-1999.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2912 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 15-9-99 को प्राप्त हुआ था।

[सं. एल.-12012/151/95—आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 16th September, 1999

S.O. 2912.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 15-9-99.

[No. L-12012/151/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

CASE NO. I.D. 89/96

Sh. Arun Ghai,

C.C. Member, Bank Employees Fed

B-IX/1662, Rari Mohalla,

Ludhiana.

.. Petitioner.

Vs.

Asstt. General Manager(I.R.)

Syndicate Bank, 6 Bhagwandass Road

Sarojini House, New Delhi.

.. Respondent.

REPRESENTATIVES

For the Workman.—None.

For the Management.—Shri A. K. Jaiswal.

AWARD

(Passed on 19th April 1999)

The Central Government, Ministry of Labour, vide Notification No. L-12012/151/95-I.R.(B.2) dated 24th September, 1996 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Syndicate Bank in not paying full Pay and Allowances to Shri Satish Kumar Dhandra

Attender Jalandhar branch as per provisions of Bipartite Settlement is legal and justified? If not, to what relief the workman is entitled?”

2. Today the case was fixed for filling of claim statement by the workman. Despite several notices to the representatives of the workman, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In the circumstances of the present case, the reference is returned to the Appropriate Government for want of prosecution. Appropriate Government be informed.

Chandigarh.

19-4-1999.

B. L. JATAV, Presiding Officer.

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2913 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 सितम्बर, 1999 को प्राप्त हुआ था।

[सं. एल.—12012/151/95—आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 16th September, 1999

S.O. 2913.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 15th September, 1999.

[No. I-12012/151/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

CASE NO I.D. 100/96

Shri Arun Ghai,

Bank Employees Fed.

B-IX/1662, Ravi Mohalla,

Ludhiana.

.. Petitioner

VS.

Asstt. General Manager,

Syndicate Bank, Bhagwandass Road,

Sarojini House, New Delhi. .. Respondent

REPRESENTATIVES :

For the workman : None.

For the management : Shri A. K. Jaiswal.

AWARD

(Passed on 4th May, 1999)

The Central Govt. Ministry of Labour vide Notification No. L-12012/151/95/I.R.(B-2) dated 16th October 1996 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Syndicate Bank in not paying full pay & allowances to Shri Satish Kumar Dhanda, Attender Jalandhar branch as per provisions of Bipartite Settlement is legal and justified ? If not, to what relief the workman is entitled ?"

2. Today the case was fixed for filing of claim statement by the workman. Despite several notices to the representatives of the workman, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In the circumstances of the present case, the reference is returned to the Appropriate Govt. for want of prosecution. Appropriate Govt. be informed.

Chandigarh.

4-5-1999.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2914.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 सितम्बर, 1999 को प्राप्त हुआ था।

[सं. एल-12011/24/95-आई आर (बी- II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 16th September, 1999

S.O. 2914.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman which was received by the Central Government on 15th September, 1999.

[No. L-12011/24/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

CASE NO. I.D. 69/97

General Secretary,
P.N.B. Karamchari Sangh,
Street No. 8, Krishna Nagar,
Almoh Road, Khanna-141401. Petitioner.

Vs.

Zonal Manager,
P.N.B. Ferozepur Gandhi Market,
Ludhiana Respondent

REPRESENTATIVES :

For the workmen : None.

For the management : Shri S. K. Verma.

AWARD

(Passed on 15th April, 1990)

The Central Govt. Ministry of Labour vide Notification No. L-12011/24/95-I.R.(B-2) dated 30th December, 1996 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Punjab National Bank, Ludhiana not to provide redressal of P.N.B. Employees Union's members as per para 517 of Shastri Award after issuance of charge-sheet is legal and justified ?"

2. Today the case was fixed for filing of claim statement by the workman. Despite several notices to the representatives of the workman, none has put appearance on behalf of the workmen. It appears that the workmen is no longer interested to pursue with the present reference. In the circumstances of the present case, the reference is returned to the appropriate Govt. for want of prosecution. Appropriate Govt. be informed.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2915.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 सितम्बर, 1999 को प्राप्त हुआ था।

[सं. एल-12011/31/95-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 16th September, 1999

S.O. 2915.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of

the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 15th September, 1999.

[No. L-12011/31/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH.

CASE NO. I.D. 83/97

State Secretary,

U.C.B.E.A.

P.B. No. 38, The Mall,
Shimla.

Petitioner.

Vs.

Zonal Manager, UCO Bank,
Himland Hotel,
Shimla (H.P.)

Respondent

REPRESENTATIVES :

For the workman : None.

For the management : Shri N. K. Zakhmi.

AWARD

(Passed on 20th April, 1999)

The Central Govt. Ministry of Labour vide Notification No. L-12011/31/95-IR.(B 2) dated 3rd January, 1997 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of United Commercial Bank, Himland Hotel, Shimla (H.P.) represented through the Zonal Manager UCO Bank, Himland Hotel H.P. in not filling up the vacancies arisen out of the death/retirement of Chief Cashier at branch office Lumbagaon and Kingal of the Bank by head cashiers category 'E' in violation of promotion policy settlement of workman staff dated 13-4-88 is just and legal. If not to what relief the UCO Bank employees association is entitled to?"

2. Today the case was fixed for filing of claim statement by the workmen. Despite several notices to the representatives of the workmen, none has put up appearance on behalf of the workman. It appears that the workman is no longer interested to pursue with the present reference. In the circumstances of the present case, the reference is returned to the Appropriate Govt. for want of prosecution. Appropriate Govt. be informed.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

क्र. सं. 2916.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केंद्रीय सरकार सेटुल बैंक ऑफ इंडिया के प्रबंधकों के

संबन्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण नुकीमठ के पंचाट को प्रकाशित करती है, जो केंद्रीय सरकार को 15 सितम्बर, 1999 को प्राप्त हुआ था।

[सं. एल-12011/67/88-डी II(ए)]

सी. गंगधरन, अवर सचिव

New Delhi, the 16th September, 1999

S.O. 2916.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 15th September, 1999.

[No. L-12011/67/88/D-II(A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

CASE NO. I.D. 89 OF 1989

Vice-Chairman,

Central Bank of India Employees

Union, Jammu Branch, Gandhi Nagar,

Jammu-180001.

Petitioner

Vs.

Regional Manager,

Central Bank of India,

Regional Office,

Amritsar-143001.

Respondent

REPRESENTATIVES :

For the workmen : None.

For the management : Shri S.L. Batta.

AWARD

(Passed on 16th March, 1999)

The Central Govt. Ministry of Labour vide Notification No. L-12011/67/88-D.2(A) dated 23rd May, 1989 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India in denying the payment of Special Allowance to the award staff posted in R.S. Pura Branch is justified? If not to what relief are the concerned workmen entitled to?"

2. Despite several notices none has put up appearance on behalf of the workman. It appears that Union is not interested to pursue with the present reference.

In view of the above, the present reference is returned to the Appropriate Govt. for want of prosecution.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2917 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-99 को प्राप्त हुआ था।

[सं. एल.-12012/42/98-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 16th September, 1999

S.O. 2917.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 15-9-99.

[No. L-12012/42/98-IR(B-II)]

C. GANGADHARAN, Under Secy.
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/140 of 1998

Employers in relation to the management of
Union Bank of India.

Dy. Genl. Manager(P),
Union Bank of India,
Central Office, Vidhan Sabha Marg,
Nariman Point,
Mumbai-21.

AND

Their Workmen

The Assistant Secretary,
Union Bank Staff Union, C/o MSEBF,
Dadiseth Building 44, Cowasji Patel Street
Mumbai-400 023.

APPEARANCES :

For the Employer—Mrs. B. P. Lobe representative.

For the Workmen—Mr. N. Shankar Representative.

Mumbai, dated 30th August, 1999

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12012/42/98/IR(B.II) dtd. 10-11-98, had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Union Bank of India in terminating the services of Sh. R. S. Bhadekar is legal and justified? If not to what relief the said workman is entitled?”

2. The Union Bank's Staff Union filed a Statement of Claim at Exhibit-4. The management filed a written statement at Exhibit-7. The Rejoinder is at Exhibit-8. I have framed issues at Exhibit-9.

3. Later on the parties filed an application (Exhibit-14) informing the Tribunal that the parties have entered into a settlement which is fair and proper. They also prayed that the reference may be disposed off in terms of settlement. Under such circumstances I pass the following order:—

ORDER

The reference is disposed off as settled. Exhibit-15 the terms of the settlement is a part of the Award.

S. B. PANSE, Presiding Officer

BEFORE THE HON'BLE CENTRAL GOVERNMENT
INDUSTRIAL CUM-LABOUR
COURT-2, MUMBAI

Ref. No. : CGIT-2/140 of 1998

Shri R. S. Bhadekar—Workman.

v/s.

Union Bank of India—Employer.

TERMS OF SETTLEMENT

With a view to resolve the dispute amicably, and as a gesture of goodwill, Union Bank of India (hereinafter referred to as 'the Bank') agrees purely on humanitarian grounds to take Shri R. S. Bhadekar (hereinafter referred to as 'the workman') back in the Bank's service as Peon-cum-Hamal on the following terms and condition.

1. The absence of the workman from 03-08-96 i.e. the date of having been compulsorily retired till the date he reports for duty in pursuance to this settlement will be treated as extraordinary leave on loss of Pay and Allowance.

2. The workman will be fitted on the basic pay of Rs. 2,450 in the pay scale of Rs. 1600-3020 after reducing 5 stages from what he was drawing prior to his having been compulsorily retired in 1996.

3. The workman will not be entitled to claim any other benefit for the intervening period.

4. The workman as well as the Union assured the regularity and punctuality in attendance of the workman in the future.

5. With this settlement, the Union Bank Staff Union agrees to withdraw the aforesaid dispute from CGIT, Mumbai.

Dated at Mumbai : this 16th day of August, 1999.

Sd/-

(R. S. Bhadekar)

WORKMAN ABOVE NAMED

Sd/-

(N. Shankar)
Asst. Secretary,

Union Bank Staff Union

For Union Bank of India,

Sd/-

(Mrs. B. P. LOBO)
Manager (Personnel)

NRO, Staff Section,

21/6, New Bardan Lane,

Abhechand Gandhi Marg,

Mandvi, Mumbai-400 003.

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2918.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण खंडीय के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15 सितम्बर, 1999 को प्राप्त हुआ था।

[सं. एल.-12011/4/89-डी II (ए)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 16th September, 1999

S.O. 2918.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 15-9-1999.

[No. L-12011/4/89-DII(A)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 95/89

General Secretary,
Allahabad Bank Employees Union
Allahabad Bank, Link Road
Ludhiana-141008

.. Petitioner

Vs.

Regional Manager,
Allahabad Bank

Sector 17,
Chandigarh-160017.

.. Respondent.

REPRESENTATIVES.

For the Workmen—None.

For the Management—Shri V. K. Vasishth.

AWARD

(Passed on 20th April, 1999)

The Central Govt. Ministry of Labour vide Notification No. L-12011/4/89-D.2(A) dated 25th May 1989 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Allahabad Bank in withdrawing Hill and Fuel Allowance to their staff posted at Hamirpur is justified? If not, to what relief are the concerned workmen entitled?”

2. Today the case was fixed for appearance of the workman. Despite several notices none appeared on behalf of the Union. It appears that union is no longer interested to pursue with the present reference. In view of the above situation, the present reference is returned to the Appropriate Govt. for want of prosecution. Appropriate Govt. be informed.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2919.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैंड चार्टर्ड बैंक, मुम्बई के प्रबंधन के संबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-09-99 को प्राप्त हुआ था।

[सं. एल.-12012/343/97-आई आर (बी-I)]

जी. राय, डेस्क अधिकारी

New Delhi, the 16th September, 1999

S.O. 2919.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Standard Chartered Bank, Mumbai and their workman, which was received by the Central Government on 16-09-1999.

[No. L-12012/343/97-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

नई दिल्ली, 16 सितम्बर, 1999

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/101 of 1998

Employers in relation to the management of

Standard Chartered Bank, Mumbai
The General Manager (HRD),
Standard Chartered Bank (HR),
HR Division, Box No. 558, 23-25,
Mahatma Gandhi Road, Fort,
Mumbai-400 001.

AND

Their Workmen

Mr. Vasudev Keshav Rane,
Room No. 8, 1st Floor,
Dadar Visanti Park,
Naigaum Cross Road,
Dadar, Mumbai-400 014.

APPEARANCES :

For the Employer : Ashok D. Shetty, Advocate.

For the Workmen : B. D. Birajdar, Advocate.
Mumbai, dated 27th August, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/343/97-IR (B-I), dtd. 10-8-98, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the Management of Standard Chartered Bank terminating the service of the workman, Mr. Vasudev Keshav Rane w.c.f. 1-5-1995 is justifiable or not ? If not, what relief the workman is entitled to?"

2. Rane, filed his Statement of Claim at Exhibit-8.

3. The management resisted the claim by the Written Statement (Exhibit-9).

4. Thereafter the workman filed a Rejoinder at (Exhibit-12).

5. I have framed issues at Exhibit-14.

6. When the matter was for leading evidence the parties have filed consent terms at Exhibit-23 and the workman had filed affidavit supporting the consent terms at Exhibit-24. It is therefore, I have not dealt with the pleadings in detail.

7. In view of the consent terms which are at Ex-23, I pass the following order :—

ORDER

The reference is disposed off as settled.

S. B. PANSE, Presiding Officer

27-8-99

का. आ. 2920.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे, मुम्बई, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-09-1999 को प्राप्त हुआ था।

[सं. एल.-41011/13/97-आई. आर (बी-1)]

जी. राय, डेस्क अधिकारी

New Delhi, the 16th September 1999

S.O. 2920.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Rly. Bombay and their workman, which was received by the Central Government on 16-9-99.

[No. L-41011/13/97-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II
MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/94 of 1997

Employers in relation to the management of
Western Railway, Bombay CentralThe Divisional Railway,
Manager (E) Western Railway,
Bombay Division Bombay Central,
Mumbai.

AND

Their Workmen

The Divisional Secretary,
Paschim Railway, Karmachari Parishad,
32-A, Chhapra Building,
1st Floor, R. K. Vaidya Marg,
Near Plaza Cinema, Dadar (W),
Mumbai-28.

APPEARANCES :

For the Employer : Mr. Suresh Kumar, Advocate.

For the Workmen : Mr. M. B. Anchan, Advocate.

Mumbai, dated 10th August, 1999

AWARD PART-I

The Government of India, Ministry of Labour by its Order No. L-41011/13/97-IR (B-I) dtd. 13-11-97 had referred to the following Industrial Dispute for

adjudication :

"Whether the action of the management of DRM, Bombay Division, Western Railway in terminating the service of Shri Zahid Ali is legal and justified? If not to what relief the workman is entitled?"

2. Zahid Ali Wahidali (herein after referred as the workman) pleaded that his maternal uncle Mond. Maruti Shaikh was a railway servant working in the Jagjivan Ram Hospital, Mumbai. He wanted his daughter to be married with the workman. He therefore arranged a job for the worker in the railways. After some days the marriage could not work properly. The workman divorced the daughter of Shaikh. Being aggrieved by that he made a complaint to the railways contending that the workman gave a false date of birth while getting the employment.

3. The workman averred that he received a chargesheet from the railways contending that he produced forged certificates dtd. 4-9-75 of M.S.I. College, Gorakhpur showing his date of birth as 5-6-63 at the time of his appointment to enable him to get appointment as a casual labour as otherwise he would not have been eligible. His date of birth is 2-10-59 on the basis of the High School certificate submitted by him. Thus he is held responsible for a lack of absolute integrity and has violated Rule-3.1 (i) of railway service conduct rules 1966.

4. The workman averred that a domestic inquiry which was conducted against him was against the Principles of Natural Justice. He was not provided with the documents relied upon. It is submitted that the findings of the inquiry officer are one sided. The workman pleaded that the alleged certificate was not given by him but it was given by his uncle. It is further pleaded that even if it is said that at the time of getting the employment his date of birth was 2-10-59, he was below 28 years of age. It is therefore it cannot be said that he was not entitled to employment at that age. It is submitted that he only came to know regarding the production of the incorrect birth certificate when the vigilance recorded his statement on the complaint of his father in law. It is further pleaded that for engaging casual labour nobody asked for birth certificate and therefore the question of producing birth certificate by him is totally incorrect. For all these reasons it is submitted that the inquiry which was conducted against him was against the Principles of Natural Justice.

5. The workman averred that his termination is illegal. He pleaded that the termination may be set aside and he may be reinstated in service with full back wages and continuity in service.

6. The management resisted the claim by the Written Statement (Exhibit-7). It is averred that the Tribunal has no jurisdiction to decide the reference. It is submitted that the management appointed S. B. Patwardhan as the inquiry officer. While conducting the inquiry the inquiry officer followed the Principles of Natural Justice. It is averred that the inquiry officers report was duly considered by the disciplinary authority and appropriate punishment was awarded to

the workman. It denied all other contentions taken by the workman in his statement of claim. It is submitted that the workman is not entitled to any reliefs.

7. The issues are framed at Exhibit-10. Issue Nos. 1 to 3 are treated as preliminary issues. The issues and my findings there on are as follows :—

Issues	Findings
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice?	Yes
2. Whether the findings of the inquiry officer are perverse?	Yes
3. Whether the Tribunal has jurisdiction to decide the reference?	Yes

REASONS

8. Zahidali Wajidali (Exhibit-8) the workman affirmed that he was not given copy of the bogus certificate which was produced by his father-in-law. In the cross-examination he reiterated that the documents were not supplied to him. Exhibit-11 pg. 26 and 27 is a form of a chargesheet. There it is mentioned that the management relies upon the documents viz. :—

- (a) Supplied by Principal M.S.I. College, Gorakhpur dtd 14-9-75.
- (b) High School Examination Certificate of Madyamic Siksha Parishad U.P.
- (c) Deposition of Shri Zahidali Wajidali dtd. 31-5-91.
- (d) Servicee book of Shri Zahidali Wajidali.

It can be seen that all these documents are not produced on the record itself. Nobody had come before the Tribunal to depose that those copies were really given to the workman. I do not find any endorsement in the inquiry proceedings to show that all these copies were received by the workman. Definitely that caused prejudice to the workman. It is pertinent to note that the inquiry officer had given his report which is at Exhibit 11, pg. 9. He in categorical term had stated that the workman cannot be wholly found guilty for the charges levelled against him. But it appears that the disciplinary authority did not accept those findings and had given his separate reasons which are at Ex-11 pg. 2. So far as the inquiry officers report is concerned obviously it was given to the workman because there is an acknowledgement to that effect at p. 7 of Ex.-11. But so far as the findings of disciplinary authority report (Ex-11 pg. 2.) is concerned which is dated 13-4-93, there is nothing on the record to show that these findings were supplied to the workman. Because of these findings the disciplinary authority had come to a different conclusion than the inquiry officer. Naturally copy of this report is to be supplied to the workman. Non-supply of the same is against the Principles of Natural Justice.

9. From the proceedings it appears that the workman is unable to understand English. Page. 11|19 therefore appears to be a report of Mr. Patwardhan dated 28-9-92. In this report there is mention of inquiry against the workman which had taken place on 4-9-92. On that date workman statement was recorded which is in English. It is signed by the workman in Hindi. In the cross-examination the workman had deposed that he was not aware of the contents therein and he was not explained its contents. No doubt there is an endorsement on this statement that it was explained to the workman in Hindi. But from the later proceedings which had taken place in the year 1993 which are in Hindi clearly go to show that the workman must not have been explained what is recorded at that time. It can be further seen that after the report which is submitted by the inquiry officer Mr. Patwardhan on 28-9-92 (Exhibit-11|19) there is nothing to show that how he again started the inquiry and had given a different report on 5-3-93 (Exhibit-11|pg. 9.). This all goes to show that the inquiry which was held against the workman was against the Principles of Natural Justice.

10. The findings of the inquiry officer and that of disciplinary authority appears to be perverse. Mr. Tayade found the worker to be well conversant with the English language and numericals on the basis of the statement dated 31-5-91 which is on the record. Furthermore it is not in dispute that he studied English up to 8th standard and passed 10th standard. That does not mean he is not well conversant with the English language. Therefore the observation by Mr. Tayade in his report that he is conversant with the English language and numericals appears to be not logical.

11. Mr. Tayade in his report had observed that the workman should have examined his maternal uncle to show that the certificate was produced by him and not by the workman. It is impossible for the worker to examine his father-in-law because in his statement dated 9-1-93 he had narrated how the enmity had developed. He had also deposed that he had divorced his wife and therefore his father-in-law had made a false complaint. In such circumstances it is impossible for him to call Mr. Shaikh to depose (his father-in-law) on his behalf. It is common knowledge that when one wants employment puts a thumb impression in a form without going through the details of it. After perusal of the form (Exhibit-11|pg. 30) it can be seen that the details of the forms are filled by somebody else and he had put the thumb impression and signed it. He affirmed that he put the thumb impression and signed it later on after getting the employment. This position is not disputed by the management by adducing any evidence. I therefore find that there is no reason to disbelieve the workman on this point. Therefore the conclusions drawn by Mr. Tayade that following well, what contained in the form he had put his thumb impression and he had given a false certificate appears to be incorrect. If really he would have been aware of the false birth certificate later on he would not have produced another certificate showing the correct date. He would have stick up to his original stand. Mr. Parikh the

management witness had not deposed anything which proves the management's case. I therefore find that the reasons given by Tayade for coming to the conclusion that the workman is guilty of the charges levelled against him are not on the basis of the evidence before the inquiry officer and before the disciplinary authority. There is nothing on the record to show that the workman produced the first certificate. I therefore find that the findings of the inquiry officer and that of disciplinary authority are perverse.

12. Mr. Suresh Kumar, the Learned Advocate for the workman argued that the workman is governed under Article 309 of the Constitution of India. The railway servants DARA 1968 are framed under the rules. He submitted that Central Administrative Tribunal is established to adjudicate the matters relating to the Central Government servants. Relying upon the Bangalore Water Works case he submitted that so far as these employees are concerned the Tribunal had no jurisdiction. I am not inclined to accept this position. It can be seen that time and again it is held that railway is an industry and these employees are held to be a workman under section 2(s) of the Industrial Disputes Act of 1947. He had not cited any ruling by which it can be straight away said that these employees are not workman within the meaning of section 2(s) of the Act, their dispute in respect of the employment is not governed under the Industrial Disputes Act of 1947 and it is governed by the Central Administrative Tribunal. In the result I find that the tribunal had jurisdiction to decide the reference. I record my findings on the issues accordingly and pass the following order :—

ORDER

The inquiry which was held against the workman was against the Principles of Natural Justice. The findings of the inquiry officer are perverse.

Dt. 10-8-99.

Sd/-

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

का. प्रा. 2921.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-09-1999 को प्राप्त हुआ था।

[संख्या एल-12011/11/94-आर्. प्रार. (बी-I)]

जी. राय, डैस्क अधिकारी

New Delhi, the 16th September, 1999

S.O. 2921.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Federal Bank Ltd. and their workman, which was received by the Central Government on 16-9-1999.

[No. L-12011/11/94-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 15 of 1994

PARTIES :

Employers in relation to the management of Federal Bank Limited.

AND

Their Workman.

PRESENT :

Mr. Justice A. K. Chakravarty,
Presiding Officer.

APPEARANCE :

On behalf of Management :

Mr. D. K. Paul, Advocate with

Mr. D. K. Kundu, Advocate.

On behalf of Workman :

Mr. A. Banarjee, Advocate.

STATE : West Bengal INDUSTRY : Banking

AWARD

By Order No. L-12012/11/94-IR(B-I) dated 2-5-1994 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the claim of Shri Ashok Upadhyay that he was a workman of M/s Federal Bank Ltd. is justified ? If so, whether the action of the management of Federal Bank Ltd. in terminating the services of Shri Ashok Upadhyay w.e.f. 1-10-92 is legal and justified ? What relief, if any, Shri Upadhyay is entitled to ?”

2. When the case is called out today, learned Advocates for both the parties submit that the parties have come to an amicable settlement and pray for passing of the necessary order. A joint petition is also filed by the parties to the effect.

3. Since the parties are not interested to proceed further in this case and pray for an Award in terms of the joint petition of compromise, I dispose of the reference by passing an Award in terms of the joint petition of compromise. Joint petition of compromise will form part of this Award as Annexure-A.

This is my Award.

A.K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 7th September, 1999.

ANNEXURE-A

BEFORE THE LEARNED CENTRAL TRIBUNAL GOVERNMENT OF INDIA

Abdul Hamid Street, Calcutta.

Ref. Case No. 15 of 1994

In the matter of :

Central Government order of Reference No. L-12012/11/94-I.R.(B-I) dated 2-5-94 under Sub-Section (I) and Sub-Section 2A of Section 10 of the Industrial Dispute Act, 1947.

BETWEEN

M/s. Federal Bank Limited, 8, Chittaranjan Avenue, Calcutta-700072.

AND

Their workman Shri Ashok Upadhyay, 48/9, MES, Quarter, Strand Lane, Fort William, Calcutta-700021.

AND

In the matter of :

The Humble Joint Settlement petition most respectfully.

SHEWETH :

1. That in course of pending adjudication being Case No. 15 of 1994, an avenue was explored for amicable settlement by and between the parties outside the Court and after on several protected negotiations the parties came to a settlement among themselves under the following terms and conditions as stated herein below :—

- (i) It is agreed by the Bank that they will pay a lumpsum amount Rs. 50,000 to the workman in full and final settlement for his claim of employment on receipt of the said payment. It is hereby recorded that the sum of Rs. 50,000 by pay order is paid to the workman this day and the workman hereby acknowledge receipt of the said payment of Rs. 50,000.

- (ii) That the workman shall have no other or any further claim against the Bank for his discontinuance of service.
- (iii) It is hereby recorded that the workman shall not make any claim for his discontinuance of service and the compensation hereby paid is for full and final settlement for his relinquishment of the employment before the Court of law or any other statutory authority.
- (iv) That the workman undertakes that he will not file any cause for this purpose either personally or by any union before any Court of law or any other Forum or any adjudicator by virtue of this settlement.

2. That there is no collusion or connivance between the parties in coming to the aforesaid settlement.

3. That this Joint Settlement Petition by and between the parties is made bonafide and also is made for the ends of justice.

It is therefore prayed that Your Lordship would be pleased to accept this settlement petition, and pass necessary order/award as your Honour deem fit and proper.

And your petitioner, as in duty bound, shall ever pray.

VERIFICATION

I, Shri Ashok Upadhyay the concerned workman and Shri M. R. Dilip Kumar, Chief Manager, Federal Bank, C.R. Avenue Branch and a principal officer of the Bank do hereby declare jointly that the statements made in the foregoing paragraphs are true and correct. We sign this verification on this 3rd September, 1999.

Sd/- Illegible
7-9-1999

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2922.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक आफ इंडिया के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-09-1999 को प्राप्त हुआ था।

[स. एल-12011/02/89-आई. आर. (बी-1)]

जी. राय, डेस्क अधिकारी

New Delhi, the 16th September, 1999

S.O. 2922.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Reserve Bank of India and their workman, which was received by the Central Government on 16-09-1999.

[No. L-12011/02/89-IR(B-1)]

G. ROY, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

Case No. ID 162/89

The General Secretary,
Reserve Bank of India Employees'
Association,
C/o R.B.I.,
Jammu.

... Petitioner.

Vs.

The Chief Manager,
Reserve Bank of India,
Gandhi Nagar,
Jammu.
The Officer-in-Charge,
Reserve Bank of India,
Jammu.

... Respondent.

REPRESENTATIVES :

For the workmen : Shri Dalip Kaul.

For the management : Shri Prem Lal.

AWARD

(Passed on 13-5-1999)

The Central Government, Ministry of Labour vide Notification No. L-12011(2)/89-IR(B)-I dated 6th October, 1989 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Reserve Bank of India, Jammu represented through the Chief Manager and Officer-in-Charge in not allowing promotion to the qualifying promotees in order of ratio of promotion laid down by Supreme Court in the year 1986, is justified and if not to what relief the workmen are entitled and from what effect."

2. Today the case was fixed for final arguments by the parties. But the rep. of both the parties made a statement that the dispute has been settled amicably. The statement to this effect has been recorded separately. In view of the statements recorded of the representatives of the parties, a No

Dispute Award is returned to the Appropriate Government be informed.

B. L. JATAV, Presiding Officer

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2923.—औद्योगिक विवाद अधिनियम, 1947 (1937 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दो बैंक आफ राजस्थान लिमिटेड के प्रबन्ध-तंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कोटा के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 16-09-1999 को प्राप्त हुआ था।

[सं. एल-12012/17/95-आई. आर. (बी-1)]
जी. राय, डेस्क अधिकारी

New Delhi, the 16th September, 1999

S.O. 2923.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the industrial dispute between the employers in relation to the management of The Bank of Raj. Ltd. and their workman, which was received by the Central Government on 16-9-1999.

[No. L-12012/17/95-IR(B-1)]
G. ROY, Desk Officer

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण, कोटा/केन्द्रीय/राजस्थान निर्देश प्रकरण क्रमांक : औ. न्या. (केन्द्रीय)-8/96
दिनांक स्थापित : 2/4/96

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल-12012/17/95-आई.

आर. (बी) दिनांक 19-3-96

औद्योगिक विवाद अधिनियम, 1947

मध्य

सूरजमल जोगी द्वारा अध्यक्ष, अखिल भारतीय बैंक आफ राजस्थान कर्मकार सघ, पो. ब. 29, रामपुरा, कोटा।

—प्रार्थी श्रमिक

एवं

उप महाप्रबन्धक (कामिक) बी बैंक आफ राजस्थान लि. केन्द्रीय कार्यालय सी-3, सरदार पटेल मार्ग, सी-स्कीम, जयपुर प्रतिपक्षी नियोजक

उपस्थित

श्री जगदीश प्रसाद शर्मा,

आर. एच. जे. एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि :—श्री बलदेव सिंह एवं श्री अजय त्यागी

प्रतिपक्षी नियोजक की ओर से प्रतिनिधि :—श्री सुरेश माथुर
अधिनियम दिनांक : 10-8-99

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदु-परान्त "अधिनियम" से सम्बोधित किया जाएगा) की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनियमार्थ सम्प्रेषित किया गया है :—

"क्या प्रबन्धन, दी बैंक आफ राजस्थान लि. के उप महाप्रबन्धक (कामिक) केन्द्रीय कार्यालय, जयपुर द्वारा कर्मकार श्री सूरजमल जोगी की प्रधान रोकड़ियां वर्ग सी में दिनांक 8-1-94 से पदोन्नति न करने की कार्यवाही उचित एवं न्यायसंगत है? यदि नहीं तो सम्बन्धित कर्मकार किस अनुसोप का हकदार है एवं किस तारीख से?"

2. निर्देश न्यायाधिकरण से प्राप्त होने पर वर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी। प्रार्थी श्रमिक सूरजमल जोगी की ओर से क्लेम स्टेटमेंट प्रस्तुत किया जाकर संक्षेप में यह अभिकथित किया गया है कि प्रतिपक्षी, उप महाप्रबन्धक (कामिक) दी बैंक आफ राजस्थान लि., केन्द्रीय कार्यालय, सी-3, सरदार पटेल मार्ग, सी-स्कीम जयपुर (जिसे तदुपरान्त "प्रतिपक्षी नियोजक" से सम्बोधित किया जाएगा) के द्वारा प्रार्थी श्रमिक को दि. 11-3-85 से बैंक शाखा चावण्ड में स्थायी लिपिक/रोकड़िया के पद पर नियोजित किया गया था तथा दिनांक 21-12-85 से शाखा अन्तरी में प्रधान रोकड़िया पद वर्ग "ए" के स्थायी पद हेतु विज्ञप्ति प्रसारित कर प्रार्थी श्रमिक के चयनित होने पर उसे दिनांक 15-1-86 से उक्त बैंक शाखा में उक्त पद पर पदस्थापित किया गया था। आगे यह भी अभिकथित किया गया है कि प्रतिपक्षी बैंक द्वारा अपनी सभी शाखाओं में जिनका व्यवसाय 5 करोड़ रु. से अधिक का रहा है; पर प्रधान रोकड़िया "सी" श्रेणी का पद सृजित किया गया जिन बैंक शाखाओं में से एक शाखा मथुरा गेट, भरतपुर भी रही। प्रतिपक्षी नियोजक द्वारा प्रतिपक्षी बैंक के परिपत्र की अवहेलना करते हुए प्रार्थी श्रमिक जो वरिष्ठतम रहा है, को पदोन्नत न कर अन्य को पदोन्नत कर दि. 8-1-94 से उक्त मथुरा गेट, भरतपुर बैंक शाखा पर पद स्थापित भी कर दिया गया जो पूर्णतः अनुचित व अवैध रहा तब प्रार्थी श्रमिक प्रतिपक्षी नियोजक के यहाँ उक्त बैंक शाखा में दिनांक 8-1-94 से पदोन्नत होकर पदस्थापित होने व समरूप परिलाभ मय ब्याज के प्राप्त करने का अधिकारी रहा है, अतः प्रार्थी श्रमिक का प्रस्तुत क्लेम सव्यय स्वीकार किया जावे।

3. प्रतिपक्षी नियोजक की ओर से जबाब क्लेम प्रस्तुत कर प्रार्थी श्रमिक के उक्त क्लेम को अस्वीकार किया गया है तथा प्रतिवाद स्वरूप संक्षेप में यह अभिकथित किया गया है कि प्रतिपक्षी बैंक के परिपत्रों अनुसार अधीनस्थ कर्मचारी जिसके द्वारा 3 वर्ष की सेवा पूर्ण कर ली गयी हो वो ही कर्मचारी प्रधान रोकड़िया वर्ग "ए"

के पद पर नियुक्त होने के लिए सक्षम रहता है। प्रार्थी श्रमिक प्रतिपक्षी नियोजक के यहां सर्वप्रथम दि० 11-3-85 को स्थायी लिपिक रोकड़िया के पद पर नियोजित हुआ था जिसे अन्य कर्मचारी उपलब्ध न होने पर दिनांक 15-1-86 में स्थानापन्न प्रधान रोकड़िया वर्ग "ए" के पद पर पद-स्थापित किया गया था और 3 वर्ष की दि० 11-3-88 को सेवा पूर्ण कर लेने पर प्रधान रोकड़िया वर्ग "ए" के स्थायी पद पर नियुक्त किया गया था और उस पद पर दि० 11-9-88 से रखा भी घोषित कर दिया गया था तब प्रार्थी श्रमिक दिनांक 8-1-94 को मधुरा गेट, बैंक शाखा, भरतपुर पर प्रधान रोकड़िया "सी" श्रेणी के पद के लिए पदस्थापित किये गये अन्य कर्मचारी से कनिष्ठ रहा जब प्रार्थी श्रमिक प्रस्तुत क्लेम में कोई राहत प्राप्त करने का भी अधिकारी नहीं रहा है। अतः प्रार्थी श्रमिक का प्रस्तुत क्लेम समय निरस्त किया जाये।

4. प्रार्थी श्रमिक की ओर से क्लेम समर्थन में कोई मौखिक एवं प्रलेखीय साक्ष्य प्रस्तुत नहीं दी गयी है। न्यायाधिकरण द्वारा प्रार्थी श्रमिक को साक्ष्य प्रस्तुत करने हेतु दि० 23-11-96 से दि० 9-8-99 तक अनेकानेक अवसर प्रदान किये गये हैं तदुपरान्त भी साक्ष्य प्रस्तुत न किये जाने पर दि० 9-8-99 को प्रार्थी श्रमिक की साक्ष्य बन्द की गयी। प्रतिपक्षी नियोजक की ओर से भी तब कोई साक्ष्य प्रस्तुत नहीं करना चाहा गया है।

5. मैंने दोनों पक्षों के विद्यमान प्रतिनिधिगण की बहुसंख्य जो वहाँ उनके द्वारा प्रस्तुत उक्त अभिवचनों के अनुरूप ही रही तथा पक्षावली का ध्यानपूर्वक अवलोकन किया।

6. प्रस्तुत प्रकरण में क्लेम समर्थन में प्रार्थी श्रमिक की ओर से कोई मौखिक एवं प्रलेखीय साक्ष्य प्रस्तुत नहीं की गयी है, यहाँ तक कि प्रार्थी श्रमिक स्वयं द्वारा भी अपने को साक्ष्य में परिश्रित नहीं करवाया गया है। प्रतिपक्षी नियोजक की ओर से जवाब क्लेम प्रस्तुत कर प्रार्थी श्रमिक के प्रस्तुत क्लेम को कतई स्वीकार नहीं किया गया है तब प्रार्थी श्रमिक का क्लेम प्रतिपक्षी के जवाब क्लेम के अभिकथनों से भी कतई प्रमाणित नहीं हुआ है। इस प्रकार प्रार्थी श्रमिक प्रस्तुत क्लेम साक्ष्याभाव में कतई प्रमाणित नहीं कर पाया है तब प्रार्थी श्रमिक प्रस्तुत प्रकरण में किसी प्रकार की कोई राहत प्राप्त करने का अधिकारी घोषित होने योग्य नहीं पाया जाता है।

7. अतः उक्त सम्पूर्ण विवेचन के आधार पर भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इस प्रकार उलारित किया जाता है कि श्री स्वयं प्रार्थी श्रमिक सुरज मल जोगी द्वारा प्रस्तुत क्लेम को साक्ष्याभाव में प्रमाणित नहीं किया गया है, फलस्वरूप प्रार्थी श्रमिक प्रस्तुत प्रकरण में प्रतिपक्षी नियोजक प्रबन्धन, सी बैंक आफ राजस्थान लि. के उप महाप्रबन्धक (कार्मिक) केन्द्रीय कार्यालय, सी-3, सरदार गेट मार्ग, सी-स्क्रीम, जयपुर से किसी प्रकार की कोई राहत प्राप्त करने का अधिकारी नहीं है।

इस अधिनियम को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जाये।

जगदीश प्रसाद शर्मा, न्यायाधीश

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2924.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ हैदराबाद, मुम्बई के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-09-1999 को प्राप्त हुआ था।

[सं. एन-12011/27/97-आई. आर. (बी-1)]

जी. राय, डेस्क अधिकारी

New Delhi, the 16th September, 1999

S.O. 2924.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Hyderabad, Mumbai and their workman, which was received by the Central Government on 16-9-1999.

[No. L-12011/27/97-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/21 of 1998

Employers in relation to the management of State Bank of Hyderabad, Mumbai.

The Regional Manager,
State Bank of Hyderabad
Regional Office,
Ashok Mahal, 1st Floor,
1204, Tulleoh Road,
Mumbai-30

AND

Their Workmen

The Regional Secretary,
State Bank of Hyderabad Workers Organisation
R. No. 27, 9-B, Cawasji Patel Street,
Fort, Mumbai-1.

APPEARANCES:

For the Employers—S/Shri G. D. Talreja & Haresh Motwani Representative.

For the Workmen—Shri Chandrakant Jahagirda Representative.

Mumbai, dtd. 11th August, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-12011/25/97-IR(B.I), dtd. 11-3-90, had referred to the following Industrial Dispute for adjudication.

“Whether the action of Regional Manager, State Bank of Hyderabad, Mumbai terminating the services of workmen, S/Shri H. B. Raut, P. N. Gadhave, R. S. Palande, and N. M. Gotekar, without complying the provisions of Sec. 25F of Industrial Dispute Act, 1947 is justified? If not, what relief should be granted?”

2. The Deputy General Secretary, State Bank of Hyderabad workers Organisation filed a Statement of Claim at Exhibit-3. It is contended that the workmen referred to in the reference were employed as a temporary employee by the Regional Manager, State Bank of Hyderabad (herein after referred as the Bank). They are as follows :

Sr. No.	Name	No. of days worked	Last Date of work and place
1.	Shri H.B. Raut	408	24-12-1988 Nariman Point Branch
2.	Shri P.N. Gadhave	368	2-9-1987 Nariman Point Branch
3.	Shri R.S. Palande	172	8-8-1987 Service Branch
4.	Shri N.M. Gotekar	122	18-7-1988 Nariman Point Branch

3. The union pleaded that these workmen attended the interview at the Head Office as well as at Nariman Point Branch, Mumbai on 30th January, 1987 and 17th June, 1988 respectively, and have completed all the requisite formalities to be observed as the regular peons in the bank.

4. The union pleaded that the bank informed these workmen not to attend the duties after the last day which is mentioned above without assigning any reasons. They were not given any retrenchment compensation and the bank did not comply with the provisions of the Industrial Disputes Act of 1947 and different awards which are applicable to them. It is averred that they are in continuous service for 90 days and beyond. Therefore they are entitled to be made permanent on the post of peon and receive all other benefits of permanency from the date of their completion of 90 days continuous service with the bank. It is prayed that under such circumstances the bank may be directed to post these workmen in permanent post after completion of 90 days of service give them all benefits of permanency and other reliefs as deemed fit.

5. The bank resisted the claim by the written statement (Exhibit-13). It is averred that the Tribunal

has no jurisdiction to entertain and decide the reference. It is submitted that the reference suffers from laches. It is averred that the provisions of section 25F, 25G 25H of the Industrial Disputes Act of 1947 are not attracted in the present case. It is pleaded that these employee failed to avail an opportunity of regularisation given by the management. It is submitted that as they were not in continuous service as contemplated under the Industrial Disputes Act of 1947 there is no question of payment of any retrenchment compensation. It is averred that the concerned employees failed to avail an opportunity of regularisation given by the management.

6. The bank pleaded that the Government of India, Ministry of Finance, Department of Economic affairs Banking Diligence issued approach paper dtd. 6-8-90 to all public sector banks. In view of such paper the bank is required to provide one time opportunity to all the temporary employees putting in Minimum service of 90 days and above for absorption in permanent employment of the bank in subordinate cadre after conducting interview/tests in following selection procedure in accordance with the guide lines contained in the said approach paper and subject to statutory requirement regarding reservation for ST/SC.

7. Accordingly the management issued circulars and copy of the said circular was fixed on the notice board and applications were invited from eligible candidates. It is averred that all the four employees submitted their application for absorption in regular employment on the bank in response to the notice displayed on the notice board. It is averred that they were called for interview before the interview committee constituted for the purpose of Raut, Palande, & Gotekar appeared for the interview. Gadhave did not appear for the interview. It is averred that Raut was selected. He was informed accordingly but, he informed the bank by his letter dtd. 8-4-92 that he is no more interested in the service.

8. The Bank averred that Palande and Gotekar who were interviewed were found unsuitable for the post. It is pleaded that for all these reasons the workmen are not entitled to any reliefs as claimed.

9. The union filed a Rejoinder at Exhibit-14 and it reiterated the contention taken in the statement of claim. It denied the contentions of the bank taken in the written statement which are contrary to the claim.

10. The issues are framed at Exhibit-17. The issues and my findings there on are as follows :—

Issues	Findings
1. Whether the Tribunal has jurisdiction to entertain and decide the reference?	It has a jurisdiction
2. Whether the reference suffers from laches?	No.
3. Whether section 25F, 25G and 25H of the I.D. Act of 1947 are not attracted to the facts of the present reference?	The sections are not attracted.

4. Whether H. B. Raut informed the management by his letter dtd. 8-4-93 that he is no more interested in the job as he is gainfully employed? Yes.
5. Whether the concerned employees failed to avail the opportunity of regularisation given by the management? Gadhave failed to avail the opportunity by not appearing for the interview and not others.
6. Whether the workmen concerned were retrenched by the management? No.
7. If yes, to what relief they are entitled to? Not entitled to any reliefs.

REASONS

11. So far as the question of jurisdiction is concerned it appears to me that it is taken by the bank for the sake of it. No grounds are shown how this Tribunal has no jurisdiction to decide the reference. Gotekar (Ex-39) one of the workman deposed that somewhere in 1988 they were asked not to attend the duties. Thereafter they approached the authorities to appoint them as a peon till 1996. As there were 'no results' they approached their organisation to take up their matter with the authorities. The organisation by their letter dtd. 11-1-90 addressed Regional Manager State Bank of Hyderabad and requested for regularisation. It also raised a dispute before the Assistant Labour Commissioner by its letter dtd. 29-6-90. There is no dispute over this statement. It appears that thereafter whatever time which is taken by the Assistant Labour Commissioner and the Government for referring the matter cannot be a fault of these workmen. They cannot be said to be responsible for this laches. Further more Industrial Disputes Act does not provide any limitation for referring the dispute. Infact if there is no delay on the part of these workmen for raising the dispute they cannot be expected to explain the delay. I find that they have not committed any laches for raising the dispute.

12. From the testimony of Gotekar, (the workman) Rasiklal Shah (Ex-55), Manager, Vashdev Gandhi (Exhibit-56) Deputy Manager of the Bank it reveals that none of these workmen completed 240 days in a year preceeding to their last working day. The certificates issued by bank to Gadhave in respect of his working days are at Exhibit-20 to 23 and that of Gotekar are at Exhibit-36 & 37. So far as the certificates of Palande regarding the working days are concerned are at Exhibit-27 & 28. After perusal of the attendance registers which are at Exhibit-41, payment register which is at Exhibit-42 and 43 it reveals that they have not completed 240 days in a year preceeding their last working day. Exhibit-44 is a statement prepared by the bank showing their working days.

13. From the arguments and from the evidence on the record as these workmen are not in continuous service for 240 days in a year preceeding the last working days as contemplated under section 25B of the Act they cannot be said to be in continuous service.

As this is so there is no application of section 25F and other sections of retrenchment and recruitment. The contention of the organisation that these provisions are not followed by the bank are without any merit.

14. So far as Raut is concerned he does not depose before the court but his letter dtd. 8-4-92 is at Exhibit-48. By this letter he informed the bank that he had already joined with another organisation at Bombay and is not interested in the call which is given to him to attend the post of a peon. It is therefore very clear that so far as the case in respect of Raut is concerned is without any basis and merit.

15. The banks witnesses referred to the Government communication dtd. 6-8-90 (Exhibit-45). The Government by its communication cum approach paper dealt with details of recruitment of absorption of temporary employees in public sector. On its basis the General Manager (operations) issued a new circular (Exhibit-46) for subordinate cadre, absorption of temporary employees in banks permanent service Gotekar filed an application (Ex-47) for absorption on the basis of that circular.

16. Shah (Exhibit-55) the Manager (Personnel) affirmed that on the basis of the application (Exhibit-47) submitted that Gotekar was called for interview on 5th March '92 at 10.00 a.m. at Hyderabad in the Personal Administrative department alongwith certain documents as mentioned there in. He was not found suitable for absorption on a permanent basis by the bank by the interview committee constituted for that purpose. So far as this statement is concerned it goes unchallenged. He further deposed that prior to that also he was given an opportunity for absorption in regular employment when he was called by letter dtd. 4-6-88 to appear for interview on 17th June '88 at 10.30 a.m. (Ex-33) He was advised to bring alongwith him original certificates in support of his age, educational qualification etc. He affirmed that he was interviewed on that date and it was noticed that his school leaving certificate was in accordance with the rules of the bank hence he was issued a letter dtd. 20-6-88 (Ex-35) and called upon him to comply with the documents as mentioned there in. He further affirmed that Gotekar did not comply with the same. He affirmed that he was not found suitable by the bank for regular absorption. It is tried to argue on behalf of the organisation that by issuing this letter it was infomed that he was selected and a formality was to be completed. I am not inclined to accept this because in this letter itself there is an endorsement that please note that issuance of the letter does not mean you have been selected in the bank for the above post'. Gotekar had not produced any evidence to show that as per that call he complied with the banks requirements and even then he was not selected or absorbed. Under such circumstances I find that even though an opportunity was given by the bank to Gotekar he could not avail of the same.

17. Gandhi (Exhibit-56) Deputy General Manager of the bank affirms that Palande appeared for interview and was not found suitable and therefore he cannot be regularised. From his cross examination it has not come on the record that the bank did not give an

opportunity to the workman for absorption as per the approach letter. It can be further seen that the bank addressed letters dtd. 12th June '87 and 1st June '88 (Exhibits-29 & 30) respectively to the workman for attending the interview for absorption of a temporary employee. The bank wrote a letter dtd. 20-6-88 (Exhibit-31) to Falande and asked him to produce certain certificates as mentioned in that letter. It is also mentioned in that letter that please note that it does not mean that he has been selected by the bank for the above post. Therefore the contention of the bank that on the basis of this letter it has to be presumed that he was selected appears to be without any basis. It goes to show that in the year 1987 & 88 the bank had given an opportunity to these workmen for absorption but they were not found suitable. Gandhi affirmed that in the interview they were not found suitable and therefore they cannot be regularised. There is no reason to disbelieve Gandhi on this point. Gandhi affirmed that Gadhane filed to appear for the interview. There was no question of giving him further opportunity. Exhibit-49 is the letter dtd. 11-3-92 addressed by the Manager Industrial Relations, Head office of the bank to the Regional Manager forwarding telegram dtd. 4-3-92 sent by Gadhane expressing inability to attend the interview at Hyderabad. It is needless to say that when a particular person does not attend the interview on a given date then the bank is not bound to interview him again. Therefore it is very clear that Gadhane did not avail the opportunity of regularisation as per the approach letter of the year 1990.

18. Infact in the year 1987-88 letters of interview (Exhibits-24 & 25) were issued to Gadhane. He was also called by the bank by letter dtd. 20-6-88 (Exhibit-26) to produce certain certificates as per the requirement of the bank. On the basis of this letter it was argued on behalf of the organisation that he was selected. I do not find any merit in it. Because on this letter itself there is an endorsement do not treat this letter as a selection for the post. For all these reasons I record my findings on the issues accordingly and pass the following order :—

ORDER

The action of the Regional Manager, State Bank of Hyderabad, Mumbai against the workmen is justified.

S. B. PANSE, Presiding Officer.

नई दिल्ली, 16 सितम्बर, 1999

का. आ. 2925.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ हैदराबाद, मुम्बई के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-09-1999 को प्राप्त हुआ था।

[संख्या एल-12012/153/97-आई. आर. (बी-1)]

जी. राय, डेस्क अधिकारी

New Delhi, the 16th September, 1999

S.O. 2925.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Hyderabad, Mumbai and their workman, which was received by the Central Government on 16-09-1999.

[No. L-12012/153/97-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/37 of 1998

Employers in relation to the Management of State Bank of Hyderabad, Mumbai.

The Regional Manager,
State Bank of Hyderabad,
Regional Office,
Ashok Mahal,
1st Floor,
1204, Tulloch Road,
Mumbai-39.

AND

Their Workmen

The Regional Secretary,
State Bank of Hyderabad
Workers Organisation,
R. No. 27,
9-B, Cawasjee Patel Street,
Fort,
Mumbai-1.

APPEARANCES :

For the Employer : S/Shri G. D. Talreja & Haresh Motwani, Representative.

For the Workmen : Mr. Chandrakant Jahagirdar, Representative.

Mumbai, dated 11th August, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/153/97-IR(B.I) dated 1/2-4-1998 had referred to the following Industrial Dispute for adjudication :

"Whether the action of the Regional Manager, State Bank of Hyderabad, Mumbai, terminating the services of workman, Shri Sopan Bomble from 1989 without complying section 25-F of the I.D. Act, 1947 is justified or not? What relief should be granted?"

2. The Deputy General Secretary of State Bank of Hyderabad workers organisation filed a statement of claim at Exhibit-3. He contended that Sopan Bomble the workman had worked with the State Bank of Hyderabad (hereinafter referred as a bank), for 166 days between 1985 to 1989. He worked at Chembur, Mumbai. It is averred that he complied with all requisitioned formalities to be absorbed as a regular peon in the Branch.

3. The Organisation pleaded that the service conditions of the bank employ are governed by Shastry Award, Bipartite Settlement and internal circulars issued by the bank from time to time. It is averred that the termination of the workman is against the provisions of section 25F, G & H of the Industrial Disputes Act of 1947 (hereinafter referred to as the Act) and different awards.

4. The Organisation pleaded that the workman was in continuous service with the bank and he is entitled to be made permanent on the post of peon. It is prayed that under such circumstances the bank may be directed to make Sopan Bomble a permanent peon after completion of 90 days of his service with the bank and give him all benefits of permanency alongwith other reliefs.

5. The bank resisted the claim by the written statement (Exhibit-7). It is pleaded that the Tribunal had no jurisdiction to decide the reference. It is averred that the reference suffers from laches. It is pleaded that as the workman never completed 240 days in a year he is not in continuous service. It is therefore, the provisions of retrenchment and other sections which are pleaded by the organisation are not applicable to the workman.

6. The bank pleaded that in view of the direction of the Central Government one time opportunity was to be given to the casual labourers for absorption at a regular basis. A circular was issued to that effect, but the workman did not avail of that opportunity. Previously he was interviewed but he was not found suitable. For all these reasons it is contended that he is not entitled to any of the reliefs as claimed.

7. The Organisation filed a Rejoinder at Ex-8 and reiterated the contentions taken in the statement of claim and denied the contentions which are contrary to their claim taken by the bank in the written statement.

8. The issues are framed at Exhibit-12. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether the reference suffers from laches ?	No
2. Whether the Tribunal has jurisdiction to decide the reference ?	Yes
3. Whether the termination of the	

service of the workman without completing the provisions of the section 25F of the Industrial Disputes Act of 1947 is justified ?

- | | |
|--|------|
| 4. Whether the workman is in continuous service of the bank ? | No |
| 5. Whether the workman is entitled to any of the reliefs ? | No |
| 6. Whether the concerned employee failed to avail the opportunity of regularisation given the management ? | Yes. |

REASONS

9. Sopan Dnyandev Bomble (Exhibit-20) the workman affirms that the bank had given his certificate (Exhibits-13 & 14) which shows his working days. From Exhibit-13 it reveals that between 9-12-85 to 1-3-86 he worked for 71 days. Exhibit-14 is another certificate issued to the workman which discloses his working days from the year 1985 to 1989. The total comes to 166 days. After perusal of this certificate it is very clear that in a single year he never worked for more than 90 days. Yashodhara (Ex-31) the Branch Manager corroborates this position. He further affirmed that Sopan was never in continuous service of 240 days in a year. This is not in dispute. It is therefore he cannot be said to be in continuous service as contemplated under section 25B of the Act. It is therefore there is no question of application of other sections namely 25F, G & H of the Act as pleaded by the organisation in their statement of claim. There is no retrenchment at all.

10. Bomble was called for the interview on 6-6-88 (Exhibit-15). He affirms that after interview by letter dtd. 20-6-88 (Exhibit-16) he was called upon to produce the necessary documents as mentioned in the letter. It specifically mentioned in that letter, that, that letter does not mean that he has been selected by the bank for the post. The Branch Manager also informed the Chief Manager by his letter dtd. 17-8-88 (Exhibit-17) that he was sponsored by the Employment Exchange. The workman affirmed that as per the directions given in that notice he submitted necessary certificate to the Head Office. But there is no acknowledgment to that effect. It can be further seen that, that letter does not mean a selection. Yashodhara affirms that the workman did not comply as per the notice dtd. 20-6-88 and got himself absorbed on regular employment of the bank. There is no reason to disbelieve the witness.

11. Yashodhara (Exhibit-31) affirmed that as per the approach paper on recruitment and absorption of a temporary employees in public sector banks dtd. 6-8-90 issued by the Government of India necessary circulars were issued by the banks. The

applications were invited by eligible temporary employees. Bomble with workman submitted the application. He was called for the interview on 15th March 1992. In the Personnel and Administrative Department of the Bank at Hyderabad alongwith the documents (Exhibit-27) Bomble admits that he did not attend the interview—This is corroborated by Yashodhara that itself goes to show that even though the opportunity was given to the workman to appear for the interview and get selected but he did not avail that opportunity.

12. It is tried to submit that the reference suffers from laches. Bomble affirms that when he was not allotted work he approached the organisation and they approached the Assistant Labour Commissioner. It appears that it has taken place in the year 1990. Thereafter the Commissioner and the Government took time for referring this matter to the Tribunal for adjudication. Infact the Act does not provide any limitation for raising a dispute. Leaving aside that part of the matter I do not find any fault of the workman or the organisation for raising the dispute. They have done so at a proper time but the fault lies with somebody else. There is nothing to show how this Tribunal had no jurisdiction to entertain and decide this reference. For all these reasons I record my findings on the issues accordingly and pass the following order :—

ORDER

The action of the Regional Manager, State Bank of Hyderabad, Mumbai against the workman is justified.

Dated : 11-8-1999.

S. B. PANSE, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का. आ. 2926.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तरी रेलवे, चण्डीगढ़ के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुवन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधीकरण, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-09-1999 को प्राप्त हुआ था।

[सं. एल-41012/102/92-आई. यार. (डी. य.) (डी-I)]

जी. राय, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2926.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway, Chandigarh and their workman, which was received by the Central Government on 16-09-1999.

garh and their workman, which was received by the Central Government on 16-09-1999.

[No. L-41012/102/92-IR(DU)(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE SHRI B. L. JATAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 127/93

Mohkam,
S/o Sh. Durga,
C/o Sh. B. R. Prabhakar,
Distt. President L.M.S.,
Kailash Nagar,
Model Town,
Ambala City.

.. Petitioner

Vs.

1. D.P.O. Northern Railway,
Ambala Cantt.

2. P.W.I. Northern Railway,
Chandigarh.

.. Respondents

REPRESENTATIVES :

For the workman : Shri B. R. Prabhakar.

For the management : Shri P. P. Khurana

AWARD

(Passed on 20th April, 1999)

The Central Government, Ministry of Labour vide Notification No. L-41012/102/92-IR(DU) dated 12th October 1993 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Public Way Inspector, Northern Railway, Chandigarh in terminating the services of Shri Mohkam, S/o Durga w.e.f. 3-12-91 is legal and justified ? If not, what relief he is entitled to ?”

2. Today the case was fixed for evidence of the management. But today the rep. of the workman made a statement that workman does not want to pursue with the present reference and the same may be dismissed as withdrawn. In view of the above statement of the rep. of the workman, as the workman does not want to pursue with the present reference, the same is returned to the Appropriate Govt. as withdrawn. Appropriate Govt. be informed Chandigarh,

20-4-1999.

B. L. JATAV, Presiding Officer

नई दिल्ली, 17 सितम्बर, 1999

का. आ. 2927.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, ई. सी. एल. के प्रबन्धकों के संबंध नियोजकों और उनके कर्मचारों के बीच, खनन में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचाट को प्रकाशन करती है, जो केन्द्रीय सरकार को 17-9-99 को प्राप्त हुआ था।

[सं. एल-20012/167/91-आई. आर. (सी-1)]

श्री. एस. ए. एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 17th September, 1999

S.O. 2927.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. E.C.L. and their workman, which was received by the Central Government on 17-9-99.

[No. L-20012/167/91-IR(C-I)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD
In the matter of a reference under Sec. 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 126 of 1991

PARTIES :

Employers in relation to the management of
Rajmahal Project of M/s. Eastern Coal-
fields Ltd.

AND

Their Workmen

PRESENT :

Shri Sarju Prasad, Presiding Officer.

APPEARANCES :

For the Employers : Shri M. D. Singh, Personnel
Manager.

For the Workmen : Shri B. P. Choudhary, Work-
man concerned.

STATE : Bihar. INDUSTRY : Coal.

Dated, the 16th August, 1999

AWARD

By Order No. L-20012(167)/91-I.R. (Coal-I) dated 25-11-1991 the Central Government in the Ministry of Labour has in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the dismissal from service of Shri B. P. Choudhary, Ex-E. P. Fitter, ECL Rajmahal Project and denial by the management to take him back in employment with full back wages and consequential benefits was in order and justified ? If not, what are the proper reliefs for him ?"

2. The present reference relates to an adjudication whether the dismissal of the concerned workman, Shri B. P. Choudhary, Ex-E.P. Fitter of M/s. E. C. Ltd., Rajmahal Project and denial by the management to take him back in employment with full back wages and consequential benefits is in order and justified ? The further reference is if not what are the proper reliefs for him.

3. The brief fact giving rise to an industrial dispute is that the concerned workman, B. P. Choudhary, was an E.P. Fitter at ECL, Rajmahal Project and his appointment was as a permanent workman of the said colliery. On 6-11-1986 a chargesheet was issued to him in which it was alleged that on 28-10-86 the concerned workman, B. P. Choudhary, was found absent in his working place although he had marked his attendance for that day and he remained absent upto 11.30 a.m. Due to his absence from the work place a dozer remained idle for want of checking and the same could not be pressed for its operation. The further allegation in that chargesheet is that on that very day at about 4.30 p.m. he alongwith some other workers came to the Lalmatia Workshop in furious mood and charged Shri H. P. Singh, JET(X) in a very disorderly manner and questioned as to why he has cut the attendance of Shri Choudhary and thereafter abused him in filthy language and threatened him with dire consequences and they shouted 'CHEHRA BIGAR DENG' and ultimately ghe-raoed Shri Singh for some-time and forced him to mark present for that day with respect to the concerned workman, B. P. Choudhary. Therefore, according to the Model Standing Orders applicable for Coal Mining Industry the concerned workman has committed misconduct as defined in Paras 17(i)-(p), (r) & (t). The concerned workman was directed to file written explanation after receipt of this chargesheet as to why disciplinary action shall not be taken against him. To this chargesheet the concerned workman submitted an explanation dated 12-11-86 in which he has stated that he was on duty in 1st shift and after marking his attendance he has not gone any where and he was marked absent at 9 a.m. itself. When he came back after attending call of nature and refreshment at about 9.40 Shri Singh could not see him. Therefore, it is false to say that he was absent till 11.30 a.m. He has altogether denied the allegation of abusing and threatening Shri H.P. Singh, JET(X) and forcing him to mark him present but he has stated that he had never gone to the Workshop at 4.30 p.m., rather the other people had assembled prior

to his arrival there at about 5 p.m. and his motive for going there is only to know about hazri being struck off and there was no motive to spread any unpleasant situation.

4. The management found the reply of the concerned workman unsatisfactory and therefore a domestic enquiry was ordered by the Superintendent of Mines/Manager, Rajmahal O.C.P. by order dated 20-11-86 and Shri B. Shukla, Senior Personnel Officer of Rajmahal Area was appointed as Enquiry Officer for holding an enquiry into the charges framed against the workman concerned.

5. Again a 2nd chargesheet was issued to the concerned workman alleging that on 25-11-86, B. P. Choudhary, the concerned workman, led about 150 workmen to M.T.K. Room where Shri L. K. Choudhary, Jr. Mining Engineer was sitting. He instigated the workmen to manhandle Shri L.K. Choudhary and gheraoed him for four hours till 3.00 a.m. on 26-11-86. The gherao was lifted only at the intervention of Officer-in-Charge, Lalmatia P.S., Shri R. B. Tiwary, Security Officer and Sri B.D. Tiwary, Sr. P.O., Rajmahal O.C.P. Thus by said act the concerned workman has committed misconduct as mentioned in Para 17(i)(c), 17(i)(e), 17(i)(i), 17(i)(r) and 17(i)(t) of Model Standing Order. This chargesheet was issued by office letter No. ECL : RJML : AOM : OCP : 24/799 dated 28-11-86. The concerned workman did not submit any reply to this chargesheet. Then another enquiry was constituted by the Superintendent of Mines/Manager O.C.P., Rajmahal by order dated 10-1-87 and Shri B. Shukla, Sr. Personnel Officer was Chairman of that Enquiry Committee and Shri S. K. Sinha, Engineer (E&M), Rajmahal OCP as member and the concerned workman was directed to submit his reply of the explanation, if any, to the Enquiry Committee. The workman submitted his explanation dated 13-1-87 and after notice the Enquiry Committee held an enquiry in which the concerned workman fully participated and in his presence the management examined its witnesses and the concerned workman too produced his witness and on the basis of enquiry held by the Enquiry Committee a report dated 30-5-87 was submitted finding the workman guilty of all the charges except the charge of drunkenness, fighting or riotous, disorderly behaviour while on duty at the place of work. However, the concerned workman had not taken part in the enquiry on the chargesheet dated 6-11-86 which has proceeded ex-parte and the Enquiry Committee has submitted a report holding the workman guilty of the charges of misconduct mentioned in chargesheet dated 6-11-86 too. Thus, on consideration of both the findings the management concluded that it is a fit case for dismissal of the concerned workman. Therefore, the concerned workman was dismissed by letter dated 13/14-6-87 from service by Dy. C.M.E./Agent, Rajmahal O.C.P.

6. The concerned workman then raised an industrial dispute before the R.L.C. (C), Dhanbad who found the action of the management justified but directed the concerned workman to submit a mercy petition on the basis of which the concerned workman, B. P. Choudhary submitted a mercy petition on the basis of which the management agreed to reinstate Shri Choudhary with transfer to S. P. Mine with an advice to make an agreement in Form-H. Shri Chaudhary was accordingly intimated to sign the agreement by letter dated 12/13-12-88 but he did not accept the proposal of the management and then he raised the industrial dispute before the Asstt. Labour Commissioner (Central), Patna on the basis of which the present reference has been made.

7. According to the management the action of the management is proper and justified because the concerned workman has been found guilty of misconduct on the basis of two chargesheets issued to him and the misconduct being grave and there being no extenuating circumstance the punishment of dismissal is proper and justified. The management has further taken a plea that since the concerned workman was allowed to be reinstated with transfer to some other area of the same company which the concerned workman has refused, therefore, now the concerned workman is not entitled to any relief whatsoever. According to the management the domestic enquiry was held after due notice to the concerned workman, which was fair and proper and the finding of the domestic enquiry was fully justified.

8. The workman on the other hand has pleaded that both the chargesheets are concocted and based on false charges. He has not committed any misconduct and as because he is the active member of a trade union, therefore the management has illegally dismissed him which is violative of natural justice and amounts to victimisation and mal-practice. According to him, as per Mines Act, Section 30(2) the management cannot take more than 12 hours duty from a miner and in taking duty the management is required to give half-an-hour lunch or recess period as a period of rest to a miner so that a miner is not compelled to work more than 5 hours continuously. According to him on the date of occurrence i.e. 28-10-86 he had gone out for attending call of nature and taking refreshment after performing five hours duty with due intimation to his co-worker and returned back at 11.30 a.m. to his work place but Sri H. P. Singh, JET(X), who had no experience and had no knowledge about the rules, struck off his attendance which he subsequently rectified of his own by marking him present. There was no filthy abusing or threatening to Shri H. P. Singh at 4.30 p.m. and the allegations levelled in the chargesheet are incorrect and false.

9. With respect to 2nd chargesheet the concerned workman has denied the allegations as totally false

and the same are concocted in order to victimise the concerned workman.

10. After submission of written statements from both sides a preliminary issue was taken up for considering whether the domestic enquiries held by the management were fair and proper and after due consideration of the evidence put forward by my predecessor in-office by order dated 30-5-95 held the domestic enquiry with respect to 1st chargesheet i.e. chargesheet issued by letter No. 746 dated 6-11-86 not fair but he was pleased to hold that the enquiry with respect to 2nd chargesheet which is dated 28-11-86 is fair and proper. Thereafter the management has adduced evidence to prove the misconduct against the concerned workman with respect to allegations levelled in 1st chargesheet which is chargesheet dated 6-11-86 and which was held not fair by the order of this Tribunal dated 23-5-95. The management thereafter has examined its witnesses to justify its action and to prove the charges levelled in the 1st chargesheet dated 6-11-86 and the workman too has adduced evidence in his defence.

11. Now, the point for consideration is :—(i) whether the report of the Enquiry Committee in respect of 2nd chargesheet i.e. chargesheet dated 28-11-86 is justified ? (ii) whether the management has been able to prove the charges levelled in the 1st chargesheet dated 6-11-86 against the concerned workman ? and (iii) whether the action of the management in dismissing the concerned workman is justified ? If not, to what relief or reliefs, if any, the concerned workman is entitled to ?

FINDINGS :

12. Point No. (i) : Since this Tribunal has already considered the fairness and propriety of the domestic enquiry held by the management and came to the conclusion that the enquiry is fair and proper, therefore, now the only thing to be considered is to see on reappraisal of the evidence adduced in the domestic enquiry if the charge of misconduct which has been found to be proved except the charge of drunkenness, fighting or riotous etc. is justified. The management has brought on record the entire proceedings of the enquiry including the evidence recorded during the domestic enquiry which has been marked Ext. M(A)-12 and the report of the enquiry dated 30-5-87 has been marked Ext. M(A)-13. Ext. M(A)-1 is the Office Order constituting Enquiry Committee to hold enquiry on the chargesheet No. 799 dated 28-11-86 issued to Shri B. P. Choudhary, E.P. Fitter of Rajmahal O.C.P. and Ext. M(A)-2 is the chargesheet dated 28-11-86. Ext. M(A)-5 is the explanation dated 22-12-86 of the workman after receipt of the chargesheet in which he has refused to reply the charges because the chargesheet is not in Hindi. From the evidence of Shri B. P. Choudhary, the concerned workman it appears that his defence is

that he was simply an spectator to the incident whereas according to the management he was leading a mob of about 150 workers to M.T.K. Room where Shri L.K. Choudhary, Jr. Mining Engineer was sitting at about 11.00 p.m. on 25-11-86. He instigated the workmen to manhandle Shri L. K. Choudhary and he was gheraoed for four hours till 3.00 a.m. on 26-11-86, when the gherao was lifted only on the intervention of the Officer-in-Charge, Lalmatia P.S., Security Officer Sri R. B. Tiwary and Senior P.O. Sri B. D. Tiwary. The charges were explained to the concerned workman who has denied the charges. Thereafter the management has adduced four witnesses in support of the charges whereas the concerned workman has examined one defence witness, Ramu Bind, D.S. Operator. Besides he has given his own evidence. From the evidence of the management's witness No. 1—Sri L. K. Choudhary I find that he has stated that on the night of 25-11-86 he was on duty in the 2nd shift. At about 11.00 p.m. he went to M.T.K. Room to prepare report of his shift i.e. 2nd shift. While he was preparing report about 150 workers gheraoed him and the mob was represented by Sri B. P. Choudhary, the concerned workman and one Sri Ghanshyam Mandal, T.T. Driver. These two persons were pressing him to give in writing that one Lalan Pd. Yadav was beaten up by the Security Guard on his instruction. He refused to give in writing as it was not at all true. Therefore he was kept in gherao. During the gherao period the mob was using filthy language upon him and they were provoking and inciting the workmen. Any how he managed to send information to Sri J. C. Mandal, Mines Superintendent. Thereafter Sri Sahrawaz Khan, Officer-in-Charge, Lalmatia P.S. alongwith Sri R. B. Tiwary, Security Officer and Sri B. D. Tiwary, Sr. P.O. rushed there at about 2.00 a.m. and they contacted the leader and tried to convince them and ultimately the gherao was lifted only when this witness gave in writing to Ghanshyam Mandal and the concerned workman that Lalan Pd. Yadav, Dumper Operator was operating dumper in slow speed, so the Security Personnel beat him and he was dragged upto the area office. This was written by him under pressure from Ghanshyam Mandal and the concerned workman, B. P. Choudhary. He has been cross-examined by the co-worker of the concerned workman and from his cross-examination it has been elicited that the concerned workman, B. P. Choudhary was leading the mob and actually the concerned workman had his duty in the general shift. Therefore he was not expected to be present there when the 2nd shift was going to end and the 3rd shift was going to start. There is nothing in his cross-examination nor there is any suggestion that he has made any false statement. The evidence of this witness has been supported by the management's 2nd witness, MW-2—R. B. Tiwary who had reached there on information being sent to him by Sri J. C. Mandal, the Superintendent of Mines. He went there alongwith the Officer-in-Charge of Lalmatia P.S. and B. D. Tiwary, Sr. P.O. and they saw that workers had gheraoed Sri L. K. Choudhary and the concerned workman, B. P. Choudhary was provoking the workers and he was instigating them. They tried to convince the agitated mob but the concerned workman, B. P. Choudhary and Ghanshyam Mandal both told him that the gherao cannot be lifted unless and until Sri L. K. Choudhary gives them in writing that Lalan Pd. Yadav, Dumper Operator, has been beaten up by the Security personnel. Having seen the gravity of situation this witness advised Sri L. K. Choudhary, Under Manager, to give him in writing. According he gave in writing to Sri Ghanshyam Mandal and then the gherao was lifted. In cross-examination there is nothing to disbelieve his statement. The statement of Sri L. K. Choudhary is further supported by the management's 3rd witness MW-3—Sri P. N. Sinha who has stated that on 25-11-86 he was attached in 1st shift but on that day at about 11.00 p.m. he was called by Sri J. C. Mandal, Mines Superintendent to go in duty in the 3rd shift and accordingly he went there at 11.10 p.m. in Boxcut to take charge from Sri L. K. Choudhary. At that time the workers of both the shifts were present and the environment was tense. When he tried to find out the reason for such tense situation then he learnt that one Sri Lalan Pd. Yadav, Dumper Operator has been assaulted by the Security Personnel under instigation of Sri L. K. Choudhary. Therefore the agitated workers were demanding that Sri L. K. Choudhary should be sent out of

M.T.K. Room so that they can take revenge. In the meantime Sri Ghanshyam Mandal, T.T. Driver, entered into the M.T.K. Room followed by the concerned workman, Sri B. P. Choudhary and used taunting words to Sri L. K. Choudhary. When this witness wanted to interfere the concerned workman, Sri B. P. Choudhary asked him that he should not interfere in the matter. The concerned workman, Sri B. P. Choudhary informed him that the workers were not going to release and lift the gherao till Sri L. K. Choudhary gives them in writing. They also tried to drag out Sri L. K. Choudhary from M.T.K. Room for physical assault. This witness tried to convince the agitated mob that they should be submissive and he sent information about the incident to Sri J. C. Mandal and after 45 minutes Sri R. B. Tiwary, Security Officer, Sri B. D. Tiwary, Sr. P.O. and Sri Sahnawaz Khan came to the spot. They watched whole situation and after long persuasion they advised Sri L. K. Choudhary to give him in writing which he actually did and handed over to Sri Ghanshyam Mandal, then the gherao was lifted at 3.00 a.m. This witness has been cross-examined at length but there is nothing is cross-examination from which his testimony can be disbelieved. The management's witness No. 4—Sri B. D. Tiwary, MW-4, has also supported the incident and from his evidence it is clear that the concerned workman was amongst the mob who had gheraoed Sri L. K. Choudhary, Under Manager and the gherao was lifted only when Sri L. K. Choudhary gave in writing that one Lalan Pd. Yadav was beaten by the Security Personnel. The said writings were given by Sri L. K. Choudhary as per the dictation of Sri Ghanshyam Mandal and Sri B. P. Choudhary, the concerned workman. This witness has not been at all cross-examined by the concerned workman or his co-workman and his entire evidence is intact without the same being challenged by the concerned workman.

13. The concerned workman has examined one Ramu Bind. D. S. Operator, who has said that on 25-11-86 he was attached to 2nd shift to work as D. S. Operator in Boxcut. At about 11.45 p.m. he got down from the machine and reached M.T.K. Room for handing over the key of the dozer at 12.00 mid-night and having seen the assemblage near M.T.K. room. Sri Choudhary came there at 1.30 a.m. at the spot. He has said that he does not know anything regarding the incident of that night. Thus, from the evidence of Sri Ramu Bind I find that the presence of the concerned workman at dead hour of the night gets support and his evidence does not falsify the allegations of the management in any score. The concerned workman himself said that I have already filed rep'y and he has nothing to say more. But in cross-examination he has admitted his presence although no business to remain there. He has also admitted in his evidence that he had gone there on information that one Lalan Pd. Yadav, Dumper Operator, was assaulted by the Security Personnel, so the workers have called him at Boxcut. He has tried to say that he was simply a mere spectator. But he has not given any reason as to why the management's witnesses have deposed against him. From reappraisal of the evidence on record during the domestic enquiry, I find that the findings of the Enquiry Committee that the concerned workman was leading a mob of about 150 persons who had not given any reason as to why the managements gheraoed Sri L. K. Choudhary in M.T.K. Room from 11.00 p.m. to 3.00 a.m. who was rescued at the intervention of the Officer-in-Charge of Lalmatia P. S. and Security Officer Sri R. B. Tiwary and Sri B.D. Tiwary, Sr. P.O. It is not disputed that as per the Model Standing Orders applicable to the Coal Mining Industry wilful insubordination or disobedience causing wilful damage to work in progress and to the property of the employer, threatening, abusing or assaulting any superior co-worker and preaching of or inciting to violence are the serious misconduct according to Para 17(i)-(c), (i), (r) and (t) of the Model Standing Orders. From the materials on record it appears that the mob consisted workers of 2nd shift and 3rd shift and the work had suffered a lot due to gherao of Sri L. K. Choudhary, Jr. Mining Engineer, who is certainly a superior of the concerned workman. Therefore, in my opinion, the management has been able to prove the charges levelled in Chargesheet dated 28-11-86 and any prudent man can arrive at the same conclusion as that of the Enquiry Committee. Therefore, this point is decided accordingly.

14. Point No. (ii) : As already pointed out, the management has served upon the concerned workman the 1st charge-

sheet by letter No. 745 dated 6-11-86 in which it was alleged that on 28-10-86 the concerned workman, Sri B. P. Choudhary was deputed at Lalmatia Workshop to work as shift Fitter in the 1st shift starting from 6.00 a.m. to 2.00 p.m. After marking his attendance the concerned workman had left the work place without any information to the authority concerned and remained absent upto 11-30 a.m. as a result of which one dozer remained idle and could not be pressed for its operation and for that he was marked absent. Then on the same day at 4-30 p.m. the concerned workman along with Sri Amar Lohar, Sri S. S. Ram and several other workmen of O.C.P. came to Lalmatia Workshop in furious mood and charged Sri H. P. Singh, Junior Executive Trainee (X) in a very disorderly manner and asked as to why he has struck off attendance of the concerned workman. They abused him in filthy language at the top of their voice and threatened him with dire consequences and that they will damage his face and ultimately they gheraoed him till Sri H. P. Singh was forced to mark the concerned workman present for that day. According to Model Standing Orders applicable for Coal Mining Industry under Para 17(i)-(p) leaving work without permission or sufficient reason is a misconduct. Similarly under Para 17(i)-(r) threatening, abusing or assaulting any superior or co-worker is another misconduct and preaching of or inciting to violence is a separate misconduct under Para 17(i)-(t). To this chargesheet the concerned workman has sent a reply which has been marked Annexure - W-2 to the written statement of the concerned workman and same has also been filed by the management. In reply the concerned workman took a plea that he has not left the place of work in the 1st shift of 28-10-86 and he was made absent at 9-00 a.m. when he had gone out for attending call of nature and taking breakfast after asking from his co-worker and when he returned back at 9-45 a.m. Mr. H. P. Singh could not see him. Therefore it is false to say that he was absent till 11-30 a.m. He has denied the incident of that day of 4.30 p.m. and has stated that he had not been to Workshop at all at 4-30 p.m. rather; he went there at 5-00 p.m. to know about his attendance and prior to that some people had assembled there and without any pressure Sri Singh had marked him present. The management was not satisfied and constituted an Enquiry Committee to hold departmental enquiry. But according to the management since the concerned workman did not attend the enquiry proceeded ex-parte and after taking evidence of the management the Enquiry Committee reported that the concerned workman is guilty of the misconduct alleged in this chargesheet. The fairness and propriety of that enquiry was challenged which has been decided as preliminary issue as already stated and the same has been found not to be fair. Therefore, the management has adduced evidence to justify its action to prove the misconduct of the concerned workman. The management has examined Sri H. P. Singh, the victim officer who is MW-2. He has said that on 28-10-86 he was Incharge of Dozer Section. On that day, he found one dozer was sitting idle, hence he searched for Sri B. P. Choudhary, the concerned workman and when he could not be located he was marked absent on that day. Thereafter Sri Choudhary came along with a mob and he was pressurised to mark attendance of Sri B. P. Choudhary and then he marked Sri Choudhary present. He has given a report of the incident in writing. In cross-examination he has said that he had asked from other persons as to where Sri Choudhary had gone when he found absent. Sri B. P. Choudhary, who was on that day on duty in the 1st shift which commenced from 6-00 a.m. and ended at 2-00 p.m. whereas the general shift which commences at 8-00 a.m. and concludes at 5-00 p.m. He has admitted that this is a practice that the workman coming for duty in 1st shift used to get his work in the field and then with the permission of his superior he takes sometime to take his breakfast. But it is not a fact that such breakfast period is allowed to a workman is for one hour, rather it was 25 to 30 minutes only. From his cross-examination it is apparent that he had enquired about the concerned workman from other fitters, mechanics who were present in Dozer Section and also from the Attendance Clerk. He has further said that he could not say when Sri Choudhary returned to duty after he was marked absent and before coming with mob. He has further stated that before they came with a mob Sri Choudhary had come with some of his colleagues to convince his absence. But in the second time he came there with a mob of about 50 persons between 4-00 p.m. to 5-00 p.m. and amongst the mob one Amar Lohar and S. S. Ram were threatening him

even with physical harm although Sri Choudhary had not threatened him with physical harm. Thus, from the evidence of this witness it appears that the concerned workman was found absent in the work place and then he was marked absent. According to the reply of the concerned workman, he was marked absent at 9-00 a.m. and he returned back at 9-45 a.m. but in the written statement the concerned workman has pleaded in Para 9 that on 28-10-86 after working for about five hours from 6-00 a.m. he went to take interval for half-an-hour that too after informing his colleagues on duty for taking rest, refreshment and taking water etc. Thus, in the written statement he has taken a plea that he had gone to take rest at about 11-00 a.m. for half-an-hour that means he returned to duty at about 11-30 a.m. but in his previous reply the concerned workman has taken altogether a different plea and in that reply he has admitted that he was absent from 9-00 a.m. to 9-45 a.m. Thereafter he was present and it is false to say that he was absent till 11.30 a.m. Both the pleas are contradictory to each other and speak a volume against the concerned workman. The management has examined another witness—MW-3 on merit who is Sri Banshi Dhar Tiwary who has said that on 28-10-86 he was working as Senior Personnel Officer at Rajmahal Project and on that day he was told by some of the officials that some workmen who were not found on duty were marked absent but after that the workmen had gheraoed Sri H. P. Singh. He was not an eye witness on that occurrence. The concerned workman has examined himself during hearing on merit also. He has admitted that he was on duty in the 1st shift and Sri H. P. Singh, Engineer, was on duty in general shift. Here he has come to say that Sri H. P. Singh was not his Incharge, rather Sri Manoj Kumar Jha, was his Incharge. But this is altogether a fresh plea of the concerned workman which has not been mentioned either in the reply to the chargesheet or in the written statement filed in this reference case. In his evidence he has come to say that at about 9-00 a.m. he went for breakfast after informing his colleagues, but he has not said when he returned back to his duty. No time has been mentioned by him. In the written statement in Para 9 he has taken a plea that he had gone out for rest after working about five hours from 6-00 a.m. i.e. at about 11-00 a.m. and returned after half-an-hour i.e. at about 11-00 a.m. Thus, on own saying of the concerned workman it is apparent that he was not on duty from 9-00 a.m. to 11-30 a.m. Therefore, the allegation of his absence from duty gets supports from the materials available on record and it is well-established. He has not examined Sri Manoj Kumar Jha nor any prayer has been made to examine Sri Manoj Kumar Jha whom he says that he was his Incharge to prove that actually he had left the work place with due permission from Sri Manoj Kumar Jha who was his Incharge. The concerned workman has examined one Bangali Singh who has come to say that the concerned workman had told him at 9-00 a.m. that he is going to take breakfast and requested him to tell any officer who might enquire about him. He has further come to say that 20 to 25 minutes after that Sri H. P. Singh, Engineer, enquired about Sri Choudhary because some defect had cropped up in a dozer. He told him that Sri B. P. Choudhary had gone to take breakfast sometime past. He has admitted incross examination that Sri H. P. Singh was Incharge of that Section on that day. He has also admitted that usually a workman like fitter takes breakfast at 9.00 a.m. after taking permission from the Incharge Engineer. He has come to further say that he came to know about crossing of attendance of Sri Choudhary at about 10.00 a.m. or 11.00 a.m. The concerned workman has examined another witness, Sri Panchanan Mahato as WW-4 during hearing on merit who has given altogether a different version and according to him the concerned workman, Sri B. P. Choudhary had gone to take breakfast between 8.30 p.m. to 8.45 p.m. (wrongly typed as p.m. it would be a.m.) and during that period the Engineer, Sri H.P. Singh came there and enquired about Sri Choudhary. He has said that Sri H.P. Choudhary was enquiring about Sri Choudhary at about 8.30 a.m. Thus, the evidence of defence witnesses regarding the time of absence from duty as stated by Bangali Singh WW-3 and Panchanan Mahato WW-4 is quite inconsistent and their evidence does not inspire any confidence. Besides that own plea of the concerned workman regarding his period of absence is vacillating and he has given altogether different type of his evidence at different stages. That also goes to show that actually the concerned workman was absent without taking permission from his superior.

15. Regarding the gherao by the mob of about 50 persons on that day to press Sri H. P. Singh to mark the concerned workman present has been fully supported by the Victim Officer, Sri H. P. Singh and there is nothing in his cross-examination to disbelieve his testimony. It is apparent from his evidence that the mob was violent and they were threatening him even with physical harm and after due pressure they got the concerned workman marked present. The presence of the concerned workman at the time of gherao has been admitted by him in his evidence as well his defence witnesses although according to them he had reached there after the mob had assembled there and thereby the concerned workman had wanted to convince that actually he was not concerned with the gherao of Sri H.P. Singh on that day. It is curiously enough that the concerned workman was aggrieved because of marking him absent by Sri H. P. Singh and therefore any un-concerned person will not go there unless and until other persons are informed by the aggrieved person. It cannot be believed that without information of the concerned workman other workmen had gone there to pressurise Sri H. P. Singh for marking Sri B. P. Choudhary present. From the evidence of Sri H. P. Singh it is clearly established that he was pressurised by the mob and the mob had threatened him, gheraoed him and the concerned workman, Sri B.P. Choudhary was present in that mob. Therefore, I find the management has been able to prove all the charges levelled in the chargesheet dated 6-11-86. Accordingly, I find that the concerned workman is guilty of the misconduct as defined in various provisions of Para 17(i) of the Model Standing Orders applicable to the Coal Industry.

16. Point No. (iii) : Now, the question is whether on the basis of proved misconduct against the concerned workman the action of the management in dismissing the concerned workman and not reinstating him with back wages is justified. From the materials available on record I find that the concerned workman was found guilty of misconduct by not remaining present in the place of his working and he has also been found guilty of preaching violence, abusing his superior or co-worker, pressing them and intimidating them and his action are detrimental to the observance of a discipline in any concern. Due to such attitude of the workmen the Public Sector Undertaking is running in loss and going towards bad to worst and therefore, in my opinion, the management cannot be forced to reinstate such workman with full back wages and therefore the action of the management for not reinstating him with full back wages is properly justified. However, it appears that on a merely petition of the concerned workman he was offered reinstatement with transfer to other mining area of the management and he was asked to execute an agreement in Form-H to which the concerned workman did not agree and he has raised this dispute. Since the management has removed the concerned workman on the basis of proved misconduct and it is apparent that its action is fully justified, but since the management has offered him for reinstatement with transfer provided he executes an agreement in Form H, therefore, in my opinion, the concerned workman should be given an opportunity to mend himself and behave in proper manner in future and therefore he is ordered to be reinstated without any back wages and consequential benefits with transfer as offered by the management by its letter No. FCL/RTM/GM/PNIR/37/1372 dated 12/13-12-1988 on conditions laid down therein.

17. Accordingly, I render this award for reinstatement of the concerned workman without back wages and consequential benefits in terms and conditions of the management's office letter No. FCL/RTM/GM/PNIR/37/1372 dated 12/13-12-1988 within three months from the date of publication of the award.

SARIU PRASAD, Presiding Officer

नई दिल्ली, 13 दिसम्बर 1999

का.आ. 2928.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अन्तर्बंध में निर्दिष्ट औद्योगिक

क्विट में आर्थो गिक अधिकरण/श्रम न्यायालय विशाखापटनम के पंचाद को प्रवाणित करती है, जो केन्द्रीय सरकार को 13-9-99 को प्राप्त हुआ था।

[सं. पत्र-34011/5/96-आई. आर. (विधि)]

बी. एच. डेविड, अवर सचिव

New Delhi, the 13th September 1999

S.O. 2928.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 13-9-99.

[No. I-34011/5/96-IR(Misc.)]

P. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri C. Sambasiva Rao, M.A., B.L., Chairman and Presiding Officer.

Wednesday, the 18th day of August, 1999
I.T. I.D. (C) 12/96

Ref. No. I-34011/5/96-IR(Misc.) dtd. 13-11-96

BETWEEN

The General Secretary,
Port and Dock Employees Association,
(INTUC), 14-25-32A, Dandu Bazar,
Maharanipeta,
Visakhapatnam-530035.

... Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam-530035.

... Management.

This dispute coming on for final hearing before me in the presence of the workman in person and the management in person, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following:

AWARD

(1) This is a reference made by the Central Government, Ministry of Labour, New Delhi under Section 10(1)(d) of the I.D. Act. The terms of reference is as follows:

"Whether the action of the management of Visakhapatnam Port Trust in not regularising the services of 24 daily Labourers who have completed 240 days is justified? If not, to what relief the concerned workmen are entitled to?"

(2) The claim averments in the petition are briefly as follows: It is submitted that the management appointed sons of deceased employees and employees retired on medical grounds on consolidated Pay and there are number of vacant posts in SHL/OHL sections of Traffic Department. These pooled labour can be appointed as regular Khalasis (class-IV) in various departments of the management. It is submitted that (1) Sri G. Atchibabu, (2) N. Satyanarayana, (3) R. Apparao, (4) K. Narasimha Rao, (5) M. Apparao, (6) P. Ramana, (7) S. Siva Prasad, (8) P. Sanyasi Rao, (9) D. Pydi Raju, (10) P. J. Velangini Rao, (11) M. V. Suryanarayana, (12) S. Ganesh Raju, (13) K. Dhana Raju, (14) E. Sanyasi Rao, (15) K. Simbachalam, (16) E. Yaya Prakasa Rao, (17) K. Padi Raju, (18) B. Demudu, (19) V. Chandra Rao, (20) P. Dhana Raju, (21) R. Venkata Ramana, (22) P. S. Bhagawan, (23) K. Srinivasarao and (24) K. S. V. Ramana Murthy were appointed as Pooled Khalasis prior to 1994

and continued on consolidated pay of Rs. 1875 and performing the duties of a regular khalasis, right from their appointment. It is also submitted that Supreme Court delivered several judgments to regularise the services of any casual employment after completion of 6 months period-on 240 days whichever is earlier, and also in I.D. No. 5/93 (Central) an award is passed by this court to regularise the services of 30 female casual labour working in the management after completion of 240 days duly extending all the benefits which are applicable to the regular employees. Another Judgment of High Court in W.A. No. 1196/88 directed equal salary should be paid to the regular workers as well as casual workers working in the management who are performing the identical jobs. As the pooled khalasis are performing the duties of regular khalasis in the management they should be paid on par with regular employees by regularising their services. It is submitted that the request of the said 24 workers for their regularisation as a khalasis and payment of wages on par with regular employees of VPT is quite legal and justifiable and the management may be directed to regularise the services of above 24 pooled khalasis as regular khalasis and to pay them full pledged salary on par with regular khalasis and to grant such other reliefs or reliefs as this court deems fit and proper in the circumstances of the case.

(3) A counter/rejoinder was filed by the management denying the allegations made in the petition. It is submitted that the shore workers have retired voluntarily on medical grounds to enable/create employment opportunities to their children and they have been doing so. As the number of vacancies are increasing, it is felt necessary to recruit the khalasis in question on contract basis to cater to the need of the work and their has to be done in view of the government ban on regular recruitment. The khalasis are being paid consolidated amount of Rs. 1875 per month at present but they are not on regular duties. Their employment is also intended to meet the miscellaneous duties entrusted to them. With regard to the decisions of Supreme Court and High Court are related to the employee who are recruited on casual basis and who were not regularised even though more than 240 days were completed. It is submitted that the issue of regularisation of services of these 24 khalasis was referred to conciliation and in view of the failure report, the matter was ultimately referred to this court and the reason for not agreeing regularisation of services is that they are engaged on payment of consolidated amounts of Rs. 1875 per month and moreover, they are not continuously working for more than a year and therefore they are given a break for every end of 89 days. Hence the question of regularisation of these 24 workmen does not arise. In the circumstances, the management submits that the reference may be rejected as it has no merits.

(4) A memo is filed on behalf of the management stating that out of 24 khalasis who prayed for regularisation of services in the respondent organisation, except Sri M. Apparao and Sri E. Jayaprakasa Rao, the remaining 22 khalasis were regularised by the management. With regard to M. Apparao, he was mentally incapacitated while working as khalasi and so his father represented to consider his second son for inclusion in the master list for appointment which will be done in due course as per seniority. Regarding E. Jayaprakasa Rao he has not attended to any selection in the management in spite of call letters issued to him. In the circumstances the question of regularising him cannot arise.

(5) Objection memo filed by the petitioner union stating that there is no dispute with regard to the above two candidates but the whole dispute is with regard to regularisation of these 22 candidates with retrospective dated after completion of 240 days as they have been working as pooled labour continuously for years together on consolidated pay without giving them other allowances and perks as are given to regular workers of V.P.T., even though the work is of perennial nature and they are discharging the duties of regular khalasis in VPT right from their appointment. The denial of pay on par with regular employees of management also amounts to denial of equal pay for equal work as enshrined in the Holy Constitution of India.

(6) No evidence is adduced either oral or documentary by both parties. Written arguments were filed by both parties. Perused the written arguments and heard oral arguments both parties

(7) The points that arise for consideration are :

- (1) Whether the action of the management in not regularising the services of 24 daily labourers who have completed 240 days is justified ?
- (2) Whether the 22 workmen's services have to be regularised with retrospective effect after completion of 240 days as contended by the workman or only from the date of regularisation they are entitled to the benefits ?

(8) Point No. 1 : The management initially taken a plea that there was ban by the government in regularising the services of the workmen but subsequently it submitted that they must have put up 240 days service to regularise their services. The reasons are stated by the management that their case have to be considered after following certain norms. With regard to the norms which were mentioned by the management there is no answer from the workmen's side by way of any rebuttal or by way of any statement. The reference is made on 13-11-96 and the conciliation proceedings took place on 2-7-96. Subsequent to the reference the management regularised the 22 khalasis out of 24 on various dates and in various departments and the said fact of absorption was already brought to the notice of the workmen's union indicating the names, date, month and year, in which each candidate was absorbed and in which department he was absorbed. According to management not to regularise from candidates, the services of the khalasis but it is only due to non-existence of permanent vacancies till the date of the conciliation proceedings by management. So considering the equalities and the grounds by management, the management is justified in regularising the services of the 24 workmen after completion of conciliation proceedings but not earlier to it and the workmen are entitled to the benefits not immediately after 240 days as contended by the workmen. There is no data provide by the workman when each of the workman by completed 240 days of service. In these circumstances the workmen can entitled to the financial benefits only from the date of reference.

(9) Point No. 2 : In view of the findings given above, the reference is answered holding that the workmen are entitled financial benefits by way of regularisation of service from the date of reference since they are discharging the duties as other regular workmen are doing in the respondent organisation.

Dictated to steno transcribed by her given under my hand and seal of the court this the 18th day of August, 1999.

C. SAMBASIVA RAO, Presiding Officer

APPENDIX OF EVIDENCE

Witnesses Examined for :

Workman : None.

Management : None.

Documents marked for workman : Nil.

Documents marked for Management : Nil.

नई दिल्ली, 13 सितम्बर, 1999

कॉ.प्रा. 2929 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबंध में निम्नलिखित शर्तों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अथवा न्यायालय विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-9-99 को प्राप्त हुआ था।

[सं. एल-34011/1/97-आई.आर. (विधि)]

बी. एम. डेविड, अपर सचिव

New Delhi, the 13th September, 1999

S.O. 2929.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 13-9-99.

[No. L-34011/1/97-IR (Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri C. Sambasiva Rao, M.A., B.L., Chairman and-Presiding Officer.

Thursday, the 5th day of August, 1999.

L.T. I.D. (C) 28/97

Reference No. L-34011/1/97-IR(Misc.) dtd. 27-10-97

BETWEEN

The General Secretary,
Port and Dock Employees Association,
14-25-32A, Dandu Bazar,
Maharajpetta,
Visakhapatnam-2.

... Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam-530035.

... Management.

This dispute coming on for final hearing before me in the presence of the workman in person and the management in person, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :—

AWARD

(1) This is a reference made by the Government of India, under Section (10)(A)(1)(d) of the Industrial Disputes Act, 1947 for adjudication to this Tribunal and the terms of reference is as follows :

"Whether the action of the management of Visakhapatnam Port Trust in not implementing the personal promotions and consequential benefits to the employees who have completed 15 years of service or more w.e.f. 30-6-95 is justified? If not, to what relief the workmen are entitled to?"

(2) The allegations in the claim statement made by the petitioners are as follows : It is submitted that the Government of India vide their letter dated 19-9-95 conveyed the approval of the Government to allow personal promotions to the Class-III and Class-IV employees in the Major Port Trusts and Dock Labour Boards who have put in 15 years or more service in the same scale of pay as on 30-6-95 as a one time measure in the current wage settlement. The management implemented the orders of government w.e.f. 1-3-96 after a lapse of 8 months by giving personal promotions to those Class-III and IV who have completed 15 years of service as on 30-6-95 but not as on 1-3-96. The action of the management is contrary to the spirit of Government's instructions and deprived the benefit of getting personal promotion to the employees who have completed 15 years of service as on 1-3-96 and also deprived the benefit of personal promotion to the employees w.e.f. 30-6-95 as envisaged in the Ministry's letter dated 19-9-95. It is also submitted that even though the Government of India, Ministry of Surface Transport have given cut off date as 30-6-95 to reckon the period of completion of 15 years (or) more service in the same scale of pay of Class-III and IV employees, the personal promotions were given w.e.f. 1-3-96 "July" reckoning the period of completion of 15 years of service only as on 30-6-95. Whereby a substantial number of employees have lost the opportunity of getting the benefit of promotion after completion of 15 years of service. It is further submitted that the motive of the government is to remove the stagnation in the particular cadre for years together without

any promotions and to improve the promotional opportunities to the frustrated Class-III and IV employees. While issuing these instructions it defeated due to non-observance of the period of 15 years completed as on 1-3-96 which resulted in deprived of promotions to a large number of employees and consequential benefits of the employees. Hence the action of the management is not legal and justified.

(3) For this counter was filed by the management denying the allegations made in the petition. It is submitted that the letter dated 19-9-95 conveyed the approval of the government to allow personal promotion to Cl-III and Cl-IV employees, who have put in 15 years or more service in the same scale of pay as on 30-6-95 as a one time measure in the current wage settlement. This approval is subject to the condition that additional expenditure is to be met in the same manner as was done last time. A further condition was also imposed in the said letter that no such proposal of personal promotion will be considered hereafter. On the same subject matter, there was earlier letter from the Ministry of Surface Transport in which it was mentioned that posts on personal basis may be created for such of the Cl-III and Cl-IV employees and workers who have put in 15 years or more service in the same scale as on 31-3-90 subject to certain conditions. The Ministry has also indicated the scheme finalised in this regard. In the penultimate para it was specifically mentioned that the promotion based on the above orders will take effect from the dates on which the posts on personal basis are created and filled with the approval of the competent authority. It is further pleaded that the respondent has given personal promotions with effect from 1-3-96 and there is no discrimination in this regard. The other allegations are not admitted and the same are denied. Hence the action of the management is justified and the petition is liable to be dismissed.

(4) None of the party did not adduce any evidence before this court. Exs. M1 and M2 are marked for management and no documents are marked for workman.

(5) The points for consideration are :

(1) Whether the action of the management of Visakhapatnam Port Trust in not implementing the personal promotions and consequential benefits to the employees who have completed 15 years of service or more w.e.f. 30-6-95 is justified?

(2) To what relief the workmen are entitled?

(6) Point No. 1 : On a careful contents of Ex. M1 circular No. LB-12013/10/90-R.O. dated 31-1-91 issued by Government of India to improve in promotional opportunities of the employees of Class-III and Class IV, who have put in 15 years or more of service in the same scale as on 1st March, 1990, subject to certain conditions. In condition number (iii) it is mentioned that the personal promotion on the basis of 15 years or more of service in a scale will be a one time measure and will apply to all such persons who have completed 15 years or more of service in the same scale as on 31-3-90. A statement is also enclosed including the revised scales are effected w.e.f. 1-1-88 alongwith their next higher scales to which the promotion on personal basis is to be made now is attached for ready reference.

As per Ex. M2 dated 19-9-95 the government approved and allowed personal promotions to the Class-III and Class-IV employees in the Major Port Trust and Dock Labour Boards who have put in 15 years or more service in the same scale of pay as on 30-6-95 as a one time measure in the current wage settlement. This approval is subject to the condition that additional expenditure is met in the same manner as was done last time.

So on perusal of both the circulars under Exs. M1 and M2 the cut off date is 30-6-95 for completion of 15 years service. When such a description was exercised by the Ministry in accordance with the Government notification and reasons are given that such cut off date was given by the government itself and the management acted on the basis of the circulars issued by the government and it cannot be found fault for not agreeing the orders. In case of all those workmen whose who are completed 15 years service after 30-6-95, as a matter of fact it is mentioned that it is a one time measure in the current wage settlement. Ex. M1 categorically mentioned that it does not amount to recognition of any right

by the workmen. So that the circular issued and implemented under Exs. M1 and M2 which were followed by the management, the management cannot be found fault and it cannot be asked to implement the order to that those employees who completed their services to 15 years even subsequent to 30-6-95 till 1-3-96. Hence the action of the management is not interfered with by this tribunal.

(7) Point No. 2 : In view of the findings given above, the workmen are not entitled to any relief in this reference. Accordingly nil award is passed answering the reference against the workmen.

Dictated to steno transcribed by her given under my hand and seal of the court this the 5th day of August, 1999.

C. SAMBASIVA RAO, Presiding Officer

APPENDIX OF EVIDENCE

Witnesses Examined for :

Workmen :

None.

Management :

None.

Documents marked for workmen : Nil.

Documents marked for Management :

Ex. M1/31-1-91 : Circular issued by Joint Secretary to Government, Ministry of Surface Transport No. LB-12013/10/90-R.O dated 31-1-91.

Ex. M2/19-9-95 : Circular issued by Desk Officer, Ministry of Surface Transport No. LB-12012/5/94-R.O dated 19-9-95.

नई दिल्ली, 15 सितम्बर, 1999

का.आ. 2930.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार से. राजाराम एन.एस. बान्देकर एण्ड कं. प्रा. लि., के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय सं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-99 को प्राप्त हुआ था।

[सं. एल-36012/2/95-आई.आर. (विविध)]

बी. एम. डेविड, अधर सचिव

New Delhi, the 15th September, 1999

S.O. 2930.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, No.-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Rajaram N. S. Bandekar and Co. Pvt. Ltd., and their workman, which was received by the Central Government on 15-9-99.

[No. L-36012/2/95-IR(Misc)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT :

Shri S. B. Panso, Presiding Officer.

REFERENCE NO. CGIT-2/14 of 1995

Employers in relation to the management of M/s. Rajaram N. S. Bandekar & Co. Pvt. Ltd.

The Managing Director,

M/s. Rajaram N.S. Bandekar and Co. Pvt. Ltd.

Nitin Chambers, Vasco-dagama (Goa)

Pin 403802.

AND

Their Workmen

Sri Mahadev B. Desai
At Khamamol, Near Old ITI

Curchorem-Goa.

AFFIDAVITS :

For the Employer : Mr. M. S. Bandodkar, Advocate.
For the Workmen : Mr. V.A. Pai, Advocate.
Mumbai, dated 13th August, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-36012/2/95-IR (Misc.), dated 15/16th June, 1995 has referred to the following Industrial Dispute for adjudication.

"Whether the action of the Management of Managing Director, M/s. Rajaram Bandekar N. S. and company Private Ltd., Nitin Chambers, Vasco de Gama (Goa) in dismissing from services of Sri Mahadev B. Desai Mine-Mate, R/o Curchorem, II. No. 797, Goa w.e.f. 12-12-92 is justified and proper? If not, what relief the workman is entitled to?"

2. Mahadev B. Desai (hereinafter referred as the workman) was appointed as a clerk by M/s. Rajaram N. S. Bandekar & Co. Ltd. (Goa) (hereinafter referred to as the management) on 28-2-73. The appointment was effective from 1-11-73. The workman was transferred in different mines by the management. He served at Curpurn Mine, Nunden Mine, Narve Mine. The management by its order dated 30-9-80 promoted the workman as a 'Mines Mate' w.e.f. 1-10-80. He worked in that capacity till his termination: In the year 1991 he was transferred to Savavdem Plot.

3. The management conducted a domestic inquiry against the workman. It was Ex-parte. The inquiry officer came to the conclusion that the charges are proved. On its basis the management dismissed the workman from service w.e.f. 12-12-92. These are the admitted facts.

4. The workman in his statement of claim contended that in the year 1992 the management got injunctions against him for not entering the premises. He did not receive different types of allowance from the management which he asked for. But they were not paid. It is averred that he was not paid the wages of November 1992, 11 days in December 1992.

5. The workman pleaded that he was designated as a supervisor but the major work which he was doing was of a clerical nature. The material which was brought at the mines in trucks was to be unloaded and the workman had to keep the record in writing. There were coolies to unload the trucks and the workman was asking them to unload those trucks. He has no power to engage the coolies nor sanction their leave. There was no question of supervising any body's work. In fact his work was supervised by the employer. It is averred that the workman was nothing more than that of a coolie. He was orally terminated from the service. The workman prayed that his termination is illegal and he may be reinstated in service in continuity alongwith full back wages.

6. The management resisted the claim by the Written Statement (Exhibit-6). It is averred that the concerned person being 'mines mate' and his main duties, statutorily or otherwise are of a supervisory nature therefore he is not a workman within the meaning of section 2(s) of the Industrial Disputes Act. It is averred that where the concerned person was employed is not a mine. Therefore, the appropriate Government is not a Central Government. It is therefore the Tribunal has no jurisdiction.

7. The management pleaded that the chargesheet was sent to the workman at his proper address which he refused. Then a notice was published in the news paper regarding the inquiry. The domestic inquiry which was conducted against him was as per the Principles of Natural Justice, and the findings of the enquiry officer are not perverse. It is averred that if the Tribunal comes to the conclusion that the inquiry is not fair and proper and the company may be allowed to lead additional evidence to justify its case of dismissal. It is pleaded that the concerned person is not entitled to any of the reliefs as claimed.

8. The workman filed a Rejoinder at Ex-24. It is averred that the chargesheet which was alleged to be sent to him was not received by him. It is denied that the notice of inquiry was received by him. It is submitted that he also did not receive an order of dismissal. It is pleaded that the Central Government is the appropriate Government and the Tribunal had jurisdiction to decide the reference. The workman reiterated for his claim.

9. The issues are framed at Exhibit-23. The issues Nos. 1, 2, 3 & 3A are treated as preliminary issues. The issues and my findings there on are as follows:—

Issues	Findings
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice?	Does not survive. If survives, yes.
2. Whether the findings of the inquiry officer are perverse?	Does not survive. In view of finding in issue No. 1.
3. Whether Mahadev Desai is not a workman within the definition of section 2(s) of the Industrial Disputes Act of 1947?	Not a workman.
3A. Whether the Central Government is not the appropriate Government to refer the dispute?	Central Government is the appropriate Government.

REASONS

10. Mr. Bandodkar, the Learned Advocate for the management argued that Mahadev Desai is not a workman within the meaning of section 2(s) of the Act. He submitted that admittedly Desai is designated as 'mines mate'. He was given a promotion of a 'mines mate' by an order dated 30-9-80. (Ex-42). Desai (Ex-15) in his cross-examination in categorical terms admits that 'mines mate' in categorical terms admits that 'mines mate' is a promotion from the cadre of supervisor Nareish Arundekar was working as a supervisor. At the time there were Wilson Narona, Mangaldas Naik, Faxeiro Fernandes at the work place. Desai in the Examination-in-Chief in categorical term had stated that even though he was designated as a supervisor but his major work was of doing clerical work. The material which was brought at the mines in the trucks was to be unloaded and he was keeping the record in writing. There used to be 100 trucks on the plot everyday. He used to write down the details of it and keep the record. He affirmed that he was not supervising anybody work and he had no powers to engaged any coolies or to remove them from service. He had no authority to sanction leave. From his deposition it is very clear that he must be doing the work of supervisory nature. Not only that he had given an application (Ex-32) dated 15th July 1997 to the management that he should be issued a certificate of experience as a 'mines supervisor' to attend the examination of 'mines mate'. That itself goes to show that the post of 'mines mate' is more than that of a supervisor.

11. Mines mate as defined in Mines Act is 'Mines mate' means a person possessing a Manager's or Foreman's Certificate or makes certificate and appointed by the manager in writing, under any designation whatsoever to perform the duties of a mining mate under these regulations, and includes an Overseer or 'Head Mistri'. Section 47 narates duties and responsibilities of Mining mates. The first duty refers to, he has the charge and control of the district of the mine assigned to him by the Manager or Assistant Manager or under ground Manager. All the duties narrated therein, clearly go to show that he cannot be called as a workman.

12. Mr. Pai, the Learned Advocate for the workman argued that giving the designation is not sufficient to take out the person from the category of the workman. According to him the duties which was performed by him was of a workman which I am not ready to accept. Further more the conduct of the Desai itself goes to show, that he is aware of the position that the post of a 'mines mate' is better and greater than the clerks post which he was doing. Therefore he applied

for that certificate and got promotion in 1980. I therefore find that the work which is performed by Desai is a supervisory nature and he cannot be termed as a workman within the meaning of section 2(s) of the Industrial Disputes Act. The Learned Advocate for the management argued that Desai was working at Savavdem plot. It is suggested to Desai that it has nothing to do with the activities of the mine. He affirms that that plot is loading and unloading point for the mine. In fact it is not in dispute that, that plot is used by the management for loading and unloading.

13. Mines means any excavation where any operation for the purpose of searching for or obtaining minerals has been and is being carried out and includes (X) any premises for the time being used for depositing sand or other material for used in mine or for depositing refuse from the mine or in which any operations in connection with such a sand refuse or other material is being carried out being premises exclusively occupied by the owner of the mine. Mr. Pai, the Learned Advocate for the workman relying on this definition argued that the plot where Desai was working is a mine and therefore the appropriate Government is the Central Government.

14. Antony Perreira (Exhibit-15) the Junior Officer of the management affirmed that Savavdem plot is not a mining area and not governed by the Mines Act of 1952. The plot is registered as a Commercial establishment and not site area. He produced Exhibit-B a copy of registration of establishment. He deposed that the said plot is loading and unloading point and employees employed there in are not governed under the provisions of the Mines Act of 1952. Looking to the definition which I have already produced above and from his testimony and from the testimony of Desai it has to be said that the plot covers under the definition of Mine.

15. Mr. Pai, the Learned Advocate for the workman placed reliance on M/s. Saijuddin & Co. Vs. the workman 1966 AIR 921 SC. That was a case wherein Their Lordships observed that the persons employed in the Head Office wherever it might be situated cannot be said to do the mining operation within the first part of the definition in section 2(b) of the Mines Act. They could not be said to be ordinarily engaged in any other kind of work which was incidental to or connected with mining operations either. The work which was incidental to or connected with Mining operations must have come into connection with or relation to the mining operations office. The work that was carried out in the Head Office which consisted number of the said operation really begun after the mines were ready and to operations incidental to/or connection with them were over. It is further observed it might be that some of the work done in the office of the mine situated at the surface of the mine may be incidental to or connected with the mining operation as for example keeping muster roll of the workman or payment of the register maintained for them. Clerks engaged in such a type of work may be said to be persons employed in the mine but the work in the Head Office was only unconnected with the mining operation. Relying upon the ratio given in the said authority I find that the mining operations which were carried out at Savavdem Plot were incidental to and connected with the mines operation. Therefore the appropriate Government is the Central Government for deciding the dispute.

16. After coming to the conclusion that Desai is not a workman with in the meaning of sections 2(s) of the Industrial Disputes Act this Tribunal loses jurisdiction. In fact now it is not necessary to give findings on the remaining issues. But for the sake of argument if it is said that the above said finding is incorrect I am inclined to answer the remaining issues.

17. Desai (Exhibit-15) affirmed that he did not receive the copy of the chargesheet nor the intimation in respect of the inquiries which were alleged to be seen. He did not attend the inquiry as he was not aware of the same. Antony Perreira (Ex-5) affirms that the notices were sent to the workman by registered post, acknowledgment due and he refused the same. From his cross examination it reveals that the AD receipt of which is at Exhibit-8/pg. 7, initially bears a typed written address which was changed into hand written address but he does not know who did so. He affirms that Exhibit-8/pg. 9 is a notice dated 15-1-1993 addressed by the inquiry

officer to the workman. Below that there is a photo copy of the envelope. When he deposed the original of the envelope was with him. On the back side of the envelope there is an endorsement of 'refusal'. When the photo copies were given the back side endorsement was not taken and it was not handed over to the workman. He also does not know whether the enquiry officers report was sent to the workman or not. He also does not know who corrected the address on Exhibit-8/12 & 13. All this position clearly go to show that there was no proper intimation to the workman regarding the enquiry which was to be held against him. It is violation of the principles of Natural Justice.

18. The management filed an affidavit of Nagarsekar (Ex-52) the inquiry officer. But he was not presented before the Tribunal for cross examination. In other words there is no evidence on behalf of the management of the inquiry officer. I find that this is a circumstance which lead to think that while conducting the inquiry no proper opportunity was given to the workman, to come before the inquiry officer and defend him. In the result I find that the inquiry which was held against the workman was against the Principles of Natural Justice.

19. The management in the Written Statement have pleaded that if the Tribunal comes to the conclusion that the inquiry is against the Principles of Natural Justice or that the findings are perverse they may be given an opportunity to lead evidence to justify their action. They are entitled to do so. The inquiry officers findings are on Exparte herein. As I have come to the conclusion that the inquiry is against the Principles of Natural Justice an opportunity is to be given to the management to justify its action. The perversity of the inquiry officers findings issue does not survive.

20. As I have come to the conclusion that Desai is not a workman the Tribunal had no jurisdiction. I pass the following order :—

ORDER

The reference is disposed of for want of jurisdiction.

S. B. PANSE, Presiding Officer

13-8-99.

नई दिल्ली, 15 सितम्बर, 1999

का.प्रा. 2931—औद्योगिक विवाद आधानयम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में एसोसिएटेड स्टोन इण्डस्ट्रीज (कोटा) लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदोष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय कोटा के पंचाद की प्रकाशित करती है, जो केन्द्रीय सरकार की 15-9-99 की प्राप्त हुआ था।

[सं. एल-29012/23/96—औद्योगिक विवाद, (विधि)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 15th September, 1999

S.O. 2931.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Kota as shown in the Annexure is the Industrial Dispute between the employers in relation to the management of Association Stone Industries (Kota) Ltd. and their workman, which was received by the Central Government on 15-9-99.

[No. L-29012/23/96-IR(Misc.)]

B. M. DAVID, Under Secy.

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण केन्द्रीय कोटा राज.

निर्देश प्रकरण क्रमांक : औ. न्या.-5/97

दिनांक स्थापित : 3/1/97

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश

संख्या एल-29012/23/96-आई.आर.

(विविध) दिनांक 23/9

औद्योगिक विवाद अधिनियम, 1947

मध्य

दिनेश कुमार गौड़ द्वारा संयुक्त महामंत्री, हिन्द मजदूर सभा, बंगाली कालोनी, छावनी, कोटा।

—प्रार्थी श्रमिक

एवं

मैसर्स एसोसिएटेड स्टोन इण्डस्ट्रीज, (कोटा) लि.
रामगजमण्डी।

—प्रतिपक्षी नियोजक

उपस्थित

श्री जगदीश प्रसाद शर्मा,
आर.एच. जे. एम.

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री एन.के. तिवारी एवं
श्री दिनेश कुमार गौड़
(प्रार्थी श्रमिक स्वयं)

प्रतिपक्षी नियोजक की ओर से प्रतिनिधि : श्री एन.एस.
मिसोदिया

अधिनिर्णय दिनांक : 6-8-99

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न-
निर्देश औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त
"अधिनियम से सम्बोधित किया जायेगा") की धारा 10(1)
(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णायक
सम्प्रेषित किया गया है :—

"दया प्रबन्धन मैसर्स एसोसिएटेड स्टोन इण्डस्ट्रीज
(कोटा) लि., रामगजमण्डी द्वारा कर्मकार श्री दिनेश
कुमार गौड़ को दिनांक 16-6-95 से सेवा से पृथक्
करण की कार्यवाही वैध एवं उचित है? यदि नहीं तो
सम्बन्धित कर्मकार किस अनुतोष का हक्दार है?"

2. निर्देश न्यायाधिकरण से प्राप्त होने पर दर्ज
रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी
तदुपरान्त दोनों पक्षों की ओर से अपने-अपने अर्थावेदन
प्रस्तुत किये गये व पत्रावली प्रार्थी श्रमिक पक्ष की माध्य
बकाया में नियत रही जो 3-9-99 की तारीख पेशी
नियत की गयी परन्तु आत्र प्रार्थी श्रमिक स्वयं की ओर से
प्रार्थना-पत्र प्रस्तुत होने पर पत्रावली पेशी में ली गयी।
प्रार्थी श्रमिक के अलावा प्रतिपक्षी नियोजक की ओर से
श्री एन. एस. मिसोदिया, प्रबन्धक कारमिक व प्रार्थी श्रमिक
प्रतिनिधि श्री एन. के. तिवारी उपस्थित हुये। प्रस्तुत
प्रार्थना-पत्र के साथ दोनों पक्षों के मध्य सम्पन्न हुये
समझौता-पत्र दिनांकित 3-8-99 प्रस्तुत कर यह प्रकट
किया गया कि चूंकि दोनों पक्षों के मध्य लोक न्यायालय
की भावना से प्रेरित हो आपसी समझौता सम्पन्न हो
गया है और प्रार्थी श्रमिक ने समझौते के तहत प्रतिपक्षी
नियोजक से सम्पूर्ण एवं अन्तिम भुगतान प्राप्त कर लिया
है तथा अब दोनों पक्षों के मध्य किसी प्रकार का कोई
विवाद शेष नहीं रहा है, अतः समझौते के आधार पर
अधिनिर्णय पारित कर दिया जावे।

3. पक्षकारों की ओर से प्रस्तुतशुदा समझौते-पत्र को
दोनों पक्षों को पढ़कर सुनाया व समझाया गया जिस
पर दोनों पक्षों ने सही होना स्वीकार किया तदुपरान्त
समझौता तस्दीक कर शामिल पत्रावली किया गया।
न्यायाधिकरण द्वारा भी प्रस्तुतशुदा समझौते का अवलोकन
किया जिस पर प्रकट हुआ कि प्रार्थी श्रमिक ने प्रतिपक्षी
नियोजक से प्रस्तुत प्रकरण में सम्पूर्ण एवं अन्तिम भुगतान
स्वरूप कुल 22,000/- रु. की राशि जरिये बैंक दिनांकित
3-8-99 प्राप्त कर ली है जिसकी प्राप्ति रसीद भी
समझौते-पत्र के साथ प्रार्थी श्रमिक की हस्ताक्षरित संलग्न
है। इस प्रकार प्रस्तुतशुदा समझौता-पत्र दोनों पक्षों के
हित में प्रतीत होता है और यद्यपि समझौते उपरान्त
दोनों पक्षों के मध्य किसी प्रकार का कोई विवाद शेष
नहीं रहना प्रकट होता है तथा दोनों पक्ष इस समझौते
से सम्बन्ध रहेंगे। अतः प्रस्तुतशुदा समझौते-पत्र के आधार
पर इसी प्रकार अधिनिर्णय पारित किया जाता है जिसकी
सम्वित सरकार की नियमानुसार प्रकाशनार्थ भिजवाया
जावे।

जगदीश शर्मा, न्यायाधीश

